

Recirculated Sections  
of  
ENVIRONMENTAL IMPACT REPORT  
No. 564

James A. Musick Jail Expansion and Operation



County of Orange Board of Supervisors  
Orange County Sheriff-Coroner

September 1998

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**RECIRCULATION OF SELECTED SECTIONS OF**  
**ENVIRONMENTAL IMPACT REPORT NO. 564**

• **James A. Musick Jail Expansion and Operation** •

**County of Orange Board of Supervisors**  
**Orange County Sheriff-Coroner**

**Prepared for:**

Lead Agency  
County of Orange  
Planning & Development Services  
Department  
Flower Street  
Santa Ana, CA 92702-0499  
P. O. Box 4048  
Santa Ana, CA 92702-4048  
Contact Person:  
Thomas B. Mathews, Director  
Planning & Development Services  
(714) 834-4643

**In Association with:**

Responsible Agency  
Orange County Sheriff-Coroner  
550 N. Flower Street  
Santa Ana, CA 92702-0499 300 N.  
Contact Person:  
Jerry Krans  
Assistant Sheriff, Corrections  
(714) 647-1802

**Original Draft EIR and Recirculation of Selected Sections**  
**Prepared for the County under County Direction by:**

Culbertson, Adams & Associates, Inc.  
85 Argonaut, Suite 220  
Aliso Viejo, CA 92656  
Contact Person:  
M. Andriette Culbertson, Esq.  
President  
(949) 581-2888

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## **1. INTRODUCTION**

### **1.1 Purpose of these Recirculated Sections**

This EIR has been prepared in response to the Statement of Decision in Case No. 77-24-42 of the Superior Court of California, County of Orange entitled *City of Lake Forest; City of Irvine v. County of Orange et al.* (Appendix A)

Pursuant to the peremptory writ of mandate issued in that case on May 19, 1998, and Cal. Pub. Res. Code §21168.9, the County of Orange has prepared and is recirculating selected sections of Final EIR 564, originally certified as final on November 5, 1996 (pursuant to the May 19, 1998 Judge's order, Final EIR 564 was decertified on June 9, 1998).

The California Environmental Quality Act ("CEQA") allows a court to tailor relief in such a manner. Pub. Res. Code §21168.9(b) states (in pertinent part):

Any order pursuant to subdivision (a) shall include only those mandates which are necessary to achieve compliance with this division and only those specific project activities in noncompliance with this division. The order shall be made by the issuance of a peremptory writ of mandate specifying what action by the public agency is necessary to comply with this division....The trial court shall retain jurisdiction over the public agency's proceedings by way of a return to the peremptory writ until the court has determined the public agency has complied with this division.

Therefore, this recirculated document contains those sections or discussions deemed necessary by the Court to render the document adequate under CEQA.

In order to provide a context for the reader, the County of Orange has ensured that a copy of formerly certified Final EIR 564 is on file at the offices of the cities of Irvine and Lake Forest, at the libraries in those cities nearest to the jail location, and at the offices of the County of Orange. Addresses and contacts for the locations of these documents are shown in Appendix B.

Consultation with the cities of Lake Forest and Irvine was attempted pursuant to CEQA Guidelines §15086. The City of Lake Forest responded by letter dated July 23, 1998 and the City of Irvine responded on August 3, 1998. These letters are included in Appendix C.

Consultation with the Orange County Sheriff-Coroner, the South Coast Air Quality Management District, the Local Redevelopment Authority (LRA), the Orange County Fire Authority, the Orange County Health Care Agency, the Department of Conservation, National Resource Conservation Service, County Agricultural Commissioner, and other relevant entities was completed pursuant to §15086 prior to the recirculation of this document for public review.

There is no set review period for recirculating portions of an EIR (CEQA Guidelines §15088.5). Furthermore, the CEQA Guidelines provide no guidance regarding the recirculation of sections of an EIR pursuant to a court order. The County considers a 30-day circulation period justified in light of the brevity of these recirculated sections, and the limited complexity of the recirculated material. The State Clearinghouse has concurred with the County that a 30-day review period is adequate under CEQA.

Below the County of Orange sets forth the particulars of the order with respect to this recirculated document.

## **1.2 Scope of the Order**

The first mandate of the order was decertification of Final EIR 564<sup>1</sup>.

The Court found two areas of EIR discussions inadequate and required revision and recirculation as follows:

### **1.2.1 Impacts to Agricultural Lands**

The Court found the Final EIR 564 deficient for:

- (1) Failing to separately index and thoroughly discuss impacts to agricultural lands as a result of the Jail expansion;
- (2) Failing to find agricultural impacts significant in the case of the Jail expansion, although such impacts were found significant in the case of a Final EIR 447 (certified 11/25/86) for a 1986 project on the same property.

Therefore, the County presents herein a separately indexed discussion of impacts to agricultural lands as directed by the Court, and will revise its findings in conformity with the Court's order.

### **1.2.2 Cumulative Impacts**

The Court found Final EIR 564 deficient for:

- (1) Utilizing a "ratio" concept to justify a "cursory" examination of cumulative impacts;

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<sup>1</sup> Decertification of Final EIR 564 was acted upon by the Orange County Board of Supervisors on June 9, 1998 in Board Resolution No. 98-213.



- (2) Incorporating by reference the El Toro Reuse EIR (County EIR No. 563 certified 12/15/96), specific portions of which were later found inadequate by a separate Court.

The Court also called upon the County to revisit discussions of cumulative impacts in the areas of air quality and public services, and due to the other Court's ruling that the El Toro Reuse EIR failed to consider adequately meaningful mitigation measures for agricultural impacts, to reexamine the cumulative impacts of loss of agricultural land.

### 1.2.3 Further Orders

The Court found two areas of the EIR adequate with respect to the substantial evidence presented, but inadequate with respect to either the conclusions drawn (air quality) or the mitigation measures presented (public services and facilities, air quality). With respect to these two areas, the Court allowed the County to revise and readopt the findings related to Environmental Impact Report (EIR 564) without recirculation of those EIR sections. The County has elected to proceed with the adoption of findings alone in these two areas. However, in the interests of full public disclosure, and while not required by the Court, the County has included herein a discussion of the approach it will take in making its findings in these two areas following the presentation of the two sections requiring recirculation. The reader will find this discussion in the section entitled "Chapter 5 - Revisions to Findings".

### 1.3 Procedural Disposition

Notice of the availability of this recirculated document was given on September 2, 1998, by the following methods pursuant to §15087 of the CEQA Guidelines:

- Publication in the Orange County Register, a newspaper of general circulation in the project area.
- Posting of the site.
- Mailing of notice to the cities of Irvine and Lake Forest, as well as persons who had commented on EIR 564 in 1996.

Following the 30-day review period, the project will be scheduled for consideration by the Planning Commission and the Board of Supervisors. The tentative schedule for the Planning Commission and the Board of Supervisors meetings considering the recirculated portions and the proposed revised Final EIR is October 13, 1998 for Planning Commission and October 20, 1998 for the Board of Supervisors. A notice of the public hearing will be given as required by the Government Code and the Public Resources Code. Because the order

called for the adopting resolutions to be set aside, the zoning exemption discussed in EIR 564 will also be re-noticed.

#### 1.4 Comments On the Recirculated Portions of EIR 564

Any person is invited to comment pursuant to CEQA Guidelines §15204 on the recirculated sections of EIR 564 or on the changes the County proposes to the findings as described in Chapter 5. However, readers should be aware that they should not repeat comments on the original EIR already made and responded to, as that document - except as revised herein - has been upheld. While this project has resulted in a robust public debate, the law exempts from further review those sections of the EIR. Therefore, commenters should focus on the sufficiency of the information contained in this recirculated document, sufficiency of proposed mitigation measures, and conclusions regarding impacts discussed herein. The County is under no obligation to respond to comments beyond that purview.

## **2. SUMMARY OF CHANGES FROM FEIR 564**

The revisions to the EIR involve two principal areas. A separate section has been provided to address agricultural impacts and potential mitigation measures as a result of the Musick Jail expansion. These discussions were formerly presented in Chapters 5 and 8 of Final EIR 564.

A new Cumulative Impacts section - formerly Chapter 8 - is being presented in response to the Court's order. The cumulative impacts discussion contained herein does not place the same reliance on the Reuse EIR as did FEIR 564, and follows the outline provided by the Court. Areas where the Reuse Plan EIR was relied upon in these analyses were the amount of agricultural land on the base, the amount of agricultural land to be retained on the base (taken mostly from EIR 563), and the amount of pollutants contributed to air quality from activities on the base, to name a few. Because the decision regarding EIR 563 was appealed prior to EIR 563 being decertified, its status under law is that of a valid EIR pending appellate review.

The County has in this EIR endeavored to report all of the information that it reasonably can to identify the impacts. Where it is unknown what the impacts might be due to the involvement of other projects, or the uncertainty of the timing of mitigation, the County, in an abundance of caution, has treated the impact as significant, adverse, and unavoidable.

A discussion is also provided (Chapter 5 herein) to identify the County's intentions with respect to findings in two impact areas - air quality and public services.

### **3. ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES**

#### **3.1 Agricultural Lands<sup>2</sup>**

##### **3.1.1 Environmental Setting**

The Musick jail site is located on 100.5± acres of land that are partially designated “prime farmlands” and partially designated “urban and built up land” on the State Department of Conservation Farmland Mapping and Monitoring Program map. As reported in FEIR 564, most of the land to be used for the new buildings at the Musick site falls into the category of prime farmlands - Exhibit 1. The urban and built up land designated on the Department of Conservation map, conversely, is to be restored to agriculture to the extent of 22 acres. This acreage is also “prime farmlands”, but was shown as “urban and built up” land primarily because aerial photography shows that the land is developed.

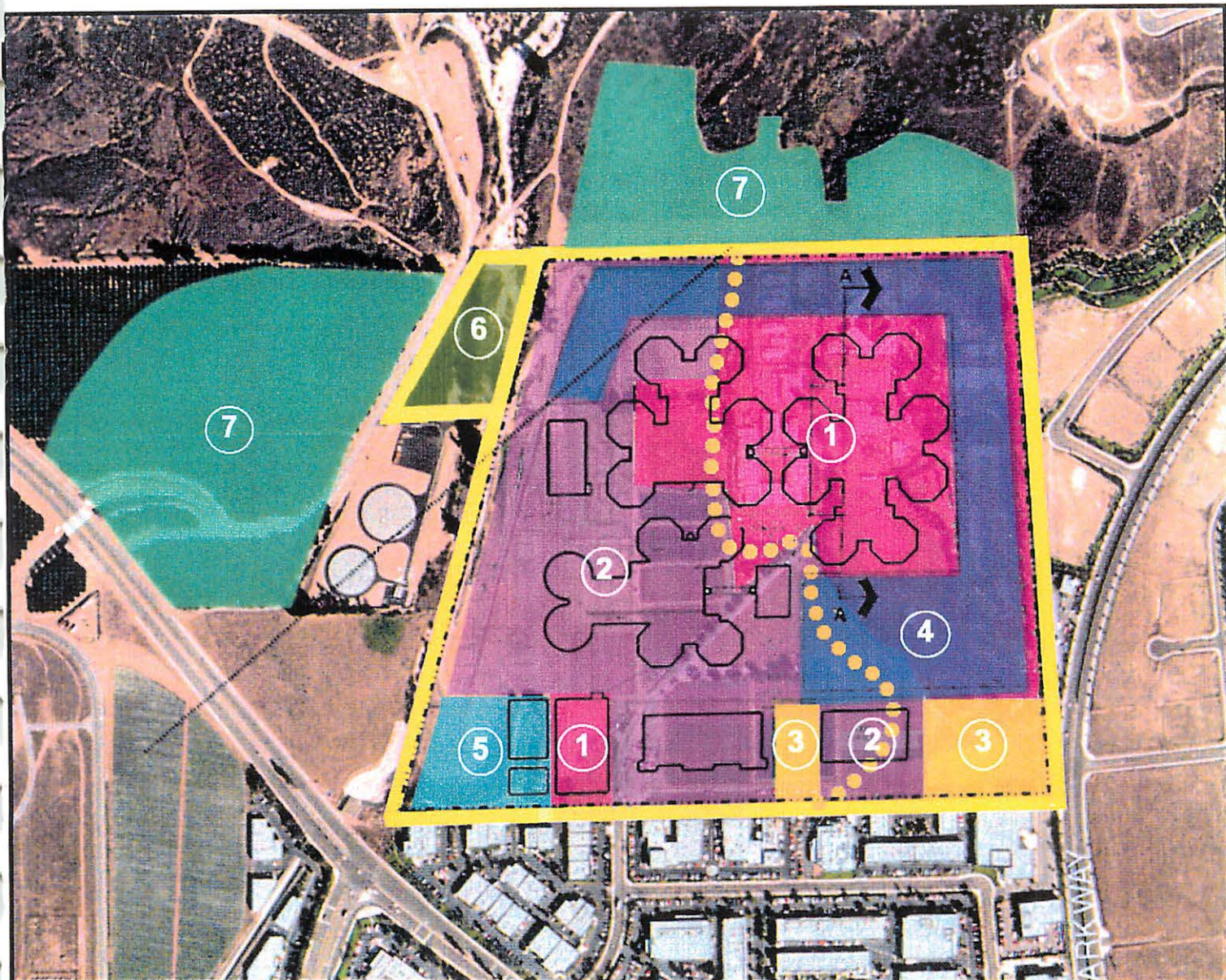
Cultivation of prime farmlands on the Musick Jail site has been intensified for a wide variety of crops to provide food for the jail, juvenile justice, and Orangewood Childrens’ Home systems at less cost than would otherwise be incurred if the food were purchased rather than grown. The County of Orange is in an excellent position to conduct such agricultural activities in association with the jail for several reasons. First, a ready and cost-free labor force - the minimum security inmate population - is available to work on the agricultural lands for the County. Secondly, the County has an available water source and, in late 1996, purchased a 4± acre site (which includes a high-capacity water system usable for a very large agricultural area) from The Irvine Company to add to the jail property. The County also does not pay property tax on its land; therefore, all of these agricultural activities may be conducted at a lower cost to the County than is experienced by private landowners.

Furthermore, interviews with key agricultural entities through the consultation process, as well as farmers, indicate that there are a variety of other factors that influence the degree to which agriculture can be conducted in Orange County and elsewhere. The economics of agriculture turn on at least four basic factors. They are: (1) the cost of land; (2) the cost of water; (3) the cost of labor; and (4) property taxes. What has been found is that the high cost of conducting agriculture on privately held land dictates high “cash” crops, such as strawberries, avocados, etc. The County’s 1997 Crop Report shows this effect - revenues from agriculture have increased, but largely because of a shift in the type of produce grown (Appendix F; personal communication Rick LeFeuvre, Agricultural Commissioner; Kathy Nakase,

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<sup>2</sup> This is a new section to be added to FEIR 564, and augments the discussion found on page 55 in Section 5.1.2 of FEIR 564. If it had been included originally, it would have been numbered Chapter 5.15.





## LEGEND



= Prime Farm Land



= Urban & Built Up Land



1 Existing Jail Development



2 Existing Area Under Cultivation



3 Approved Laundry & Sheriff Station Sites



4 Future 22 Acre Cultivation Area



5 Newly Added Cultivation Area



6 County-owned water system for agriculture



7 Future Cultivation Areas

# Musick Jail - Agricultural Land Designations



County Manager, O.C. Farm Bureau). Other factors adversely affecting agriculture are rural crime (i.e., vandalism, crop theft, etc.) and regulation.

The regulation of agriculture bears special mention. Both the Clean Water Act and the Clean Air Act, as administered through state agency regulations, affect agriculture, and particularly field crops. For example, the PM10 rule affects the amount of suspended particulates from a field, just as that regulation applies to a construction project. Rules administered by the Regional Water Quality Control Board affect nitrates and other runoff constituents, and the ameliorative processes for mitigating these components can increase expenses on some kinds of agriculture, particularly field crops.

The value of land is also a determinant of its use. Land prices in Orange County range from about \$5,000 per acre in remote canyon areas to over \$1,000,000 at the coast. However, in southern and central Orange County, the purchase of existing agricultural land (which, in a majority of cases, is held for future urban development) would probably be in the range of approximately \$300,000 to \$600,000 per acre, depending upon various variables, such as location, intended uses, existing land use entitlements, land constraints and other issues. A few years ago, agricultural production was not viable on any parcel valued at more than \$20,000-25,000 per acre, since the rent (\$2000-2500 per acre per year) would be prohibitive to a profitable agricultural operation.<sup>3</sup> However, in terms of sustaining the feasibility of existing agriculture, these land costs would not affect operators who own their own land, or have long-term leases.

Recently, the County has been working with an established and recognized authority in the field of agriculture, Shig Kinoshita - a prominent local farmer - to increase the efficiency of the agricultural production of the County jail system. Mr. Kinoshita made a number of recommendations to the County, all of which were accepted and have increased efficiency of agricultural production on the Musick Jail site (see Appendix D). Therefore, as reported in the Negative Declaration covering both the laundry construction and the Sheriff's Saddleback Station construction at the Musick jail site (IP-98-0043)<sup>4</sup>, the County has been able to increase substantially the amount of produce grown. In an April 15, 1998 report from Capt. D. Milewski, a total of 29.6 acres of land within the 100.5± acres of the Musick jail site was used to

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<sup>3</sup> Pers. com., Bill Price, Public Facilities and Resources Department, Real Property Division

<sup>4</sup> Although these facilities are needed whether or not the jail is ever expanded, the County prepared a Negative Declaration to expedite the CEQA process for the laundry facility and the Sheriff's station planned for the site. These facilities are not removed from coverage under CEQA by this EIR and their environmental effects (if any) remain part of the analysis of the overall redevelopment of the jail site.

produce row crops (Appendix E). An additional 3.61 acres of the site - previously unfarmed - have been added to the area now to be farmed within the security fence, for a total of 33.21 acres in cultivation. Additionally, 3.5 acres of farmable land on the Musick site located outside of the current security fence have been added to the Sheriff's Department agricultural program. The combination of new techniques, equipment, and the increase in farmable land is estimated to increase production by 39% over what has been achievable in the recent past (i.e. at the time of certification of FEIR 564). The total amount of land in agricultural production is 36.71 acres, and a crop value is expected to be in the amount of \$548,678.00 annually (an increase over the \$394,733.00 produced in 1997).

There are two ways of assessing the agricultural land resources on the Musick jail site. First, the "prime farmlands" designation on the Department of Conservation ("DOC") maps must be taken into consideration. Within the Department of Conservation maps, approximately 55 acres of the Musick site are currently designated prime farmland.<sup>5</sup> Of these, a total of 36.71 acres are currently in production. Therefore, not all "prime farmland" acres are in production. This is due to the presence of roads, fences, storage and other facilities. Table 1 below itemizes the acreage by type.

**Table 1**  
**Agricultural Land Inventory - Musick Site**  
**(in acres)**

	<u>Prime Farmland</u>	<u>Presently In Cultivation</u>
Current	55.0	36.71
Proposed	22.0 <sup>1</sup>	22.0
Acres Lost on Site	-33.0 <sup>2,3</sup>	- 14.71
<sup>1</sup> The acreage shown on the DOC maps as "urban & built up" within the site was once prime farmland, as it is the same in soil type, character and topography as the land adjacent to it, formally designated as "prime farmland". The land can be restored to cultivation once buildings - many of which are temporary - are removed. <sup>2</sup> Approximately 6 acres of this loss is due to the laundry and Sheriff's Saddleback Station previously approved on June 9, 1998 by the Board of Supervisors. <sup>3</sup> It should be noted that approximately 1.65 acres of land designated prime farmland is a softball field established in 1994.		

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<sup>5</sup> These maps are produced by the State at a very small scale. Every effort has been made to accurately approximate the acreage of prime farmland.

As reported in FEIR 564, the County has taken other steps with respect to agricultural production in the vicinity of the Musick jail site as opportunities presented themselves. First, it has already been mentioned that the County acquired an adjacent 4-acre site to the northwest of the former jail boundary, which is important because it contains the only water source for approximately 175 acres of land on and surrounding the jail site. Therefore, the Sheriff's Department and the County control the water for agricultural uses in the area surrounding the jail site.

Furthermore, and before the purchase of the adjacent site, the Sheriff requested that the County, acting as the Local Redevelopment Authority for MCAS-El Toro ("LRA"), obtain a public benefit conveyance of approximately 40 acres of agricultural land on the base to the north and west of the current jail site for use as cultivated lands. The LRA is the entity which responds to the conveyance request and makes appropriate recommendations to the Department of Defense for conveyance of land to public agencies. The land requested to be conveyed is owned by the Department of the Navy at the present time and was ostensibly available under the base closure process. The County has included the Sheriff Department's request in the Community Reuse Plan and recommended it for approval. The Sheriff's request was in an effort to further expand the County jail agricultural program to service an ever-growing population. All of the land on the El Toro base subject to the requested 40 acre conveyance is prime farmland. Of this 40 acres, approximately 25 are currently in cultivation. The Sheriff's Department proposes to put all acreage in cultivation once secured.

Table 2 depicts the overall agricultural disposition - current and future - in the area.

**Table 2**  
**Agricultural Land Inventory - Musick Site and LRA Conveyance**

	<u>With LRA Conveyance</u>		<u>Without LRA Conveyance</u>	
	Prime Farmland	In Cultivation	Prime Farmland	In Cultivation
Current	99.0 <sup>1</sup>	38.71	59.0	38.71 <sup>2</sup>
Proposed	66.0	64.0 <sup>2</sup>	26.0	24.0 <sup>2</sup>
Acreage Difference	- 33.0	+ 25.0 <sup>3</sup>	- 33.0	- 14.71
<sup>1</sup> 55 acres on site; 40 in LRA conveyance; 4 in County acquisition <sup>2</sup> Includes cultivation of a portion of the 4-acre site (2 farmed acres) <sup>3</sup> Includes 4 acre County acquisition				



Since the base closure process is not yet completed, it is not known at what specific point in time the County may be able to accept the conveyance of agricultural land of approximately 40 acres. However, it is the Sheriff Department's intent to accept any available conveyance as soon as legally possible.

### 3.1.2 Project Impacts Prior to Mitigation

As can be seen from a comparison of Tables 1 and 2, there is a net loss of agricultural production on site as a result of the project, and there is an overall loss of 33 acres of prime agricultural land due to development of the jail, laundry, and Saddleback station from a map designation perspective. However, there is an actual increase in the acres of land under cultivation after the entire project is implemented with the conveyance of 40 acres of land to the County for jail agricultural use.

The County is also likely to maintain agriculture on the Musick Jail site because the relationship between crop production and the jail is a symbiotic one. First, the jail system uses minimum security inmates to service the fields. Although these inmates are allowed to "work off" their sentences in part by such labor, they are not paid. This is one of the many key differences between a jail system and an "honor farm", as the Musick Jail site has often been called in public debate. Further, the County owes no property tax on its land, and therefore there is no annual "carry" to maintain the land as agriculture. Finally, the County - through its efforts in acquiring the 4± acre parcel controlling the water - has an ample water source to serve the project site..

The need for the County to reduce the significant cost of running the jail system and juvenile justice system by growing its own food as much as possible ensures that agricultural pursuits will remain a County priority, as has been done in the past. It is noteworthy that the County, in its public benefit conveyance request for the 40 acres of land on El Toro Marine base, indicated that the agricultural land would be highly useful with the present jail population. In other words, it was not to serve the expansion of the Musick jail alone.

However, the Sheriff and the County cannot wholly control the time of the delivery of certain parcels for agricultural use, because such decisions are outside of the County's control in terms of timing. Furthermore, funding constraints for jail construction, and the uncertainty of the layout for construction staging on site, make difficult an exact statement of acreage impact at any given time. Therefore, the worst case is considered below, and the County makes the following conclusions with respect to project-related agricultural impacts (cumulative impacts are addressed in a separate section):

While the acreage figures alone might suggest that the loss of agricultural land - whether mapped or in cultivation - is significant, the conclusions regarding such impacts cannot be separated from the regional and local context of central and southern Orange County. Population pressures, development and urban/agricultural land use conflicts have limited agriculture in Orange County. Aside from these pressures on viable agriculture in central and south Orange County, exposure to pesticides is another concern in Orange County. However, agricultural production on the Musick Jail site would avoid bringing people into exposure to pesticides.<sup>6</sup>

Appendix G to the CEQA Guidelines does not require that impacts to agricultural land be deemed significant in all cases.<sup>7</sup> As stated earlier in this discussion, the fact that a public project - the Jail - will occupy the 100.5± acre site and has a symbiotic relationship with agriculture, can be regarded as the best assurance for long-term agricultural production despite some conversion of agricultural land. This foreseeable benefit is even further strengthened by the adjacent base land and probable conveyance of 40 acres of agricultural land.

Nevertheless, the County concludes as follows:

1. The loss of prime farmland mapped on the Musick Jail site in the amount of 33 acres whether in cultivation or not is a SIGNIFICANT adverse impact.
2. The loss of land in cultivation on the Musick jail site to the extent of 14.71 acres is a SIGNIFICANT adverse impact.
3. The temporary loss of land for construction staging, relocation, or expansion activities is a temporary SIGNIFICANT adverse impact when it occurs on land designated "prime farmland".
4. The efforts of the County to offset these impacts by attempted acquisition of approximately 40 acres for cultivation would mitigate the loss of agricultural land but not to an insignificant level.

The County has made these findings in an abundance of caution, and in recognition of the fact that the County, and more particularly the Sheriff's Department, appears to be in the best position to maintain an active agricultural program on the Musick site for the foreseeable future.

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<sup>6</sup> O.C. Register, 8/21/98, reporting on a recently published report entitled "Poisoning the Air: Airborne Pesticides in California" co-authored by Bob Phalen, an Irvine biophysicist.

<sup>7</sup> Appendix G was amended last year to change the words "will normally have a significant effect" to "may be deemed to have a significant effect."

### **3.1.3 Mitigation Measures**

Because there is a significant difference between the acreage as designated and mapped "prime agricultural" by the Department of Conservation, and that actually being used for cultivation, there will always be a difference in the magnitude of impact. From an impact standpoint, the County believes that it is a loss in what is being used which precipitates the greater impact.

It could be argued that since about 25 acres of land sought in the conveyance is already under cultivation, it cannot be counted against the losses from the jail project, since no new land is being brought into cultivation. The County believes that this argument is without merit, in that CEQA allows mitigation to consist of a variety of strategies. CEQA Guidelines §15370 defines mitigation as follows:

"Mitigation includes:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments."

#### **Mitigation Measure No. 1: Conveyance of 40 Acres in the El Toro Reuse Area**

1. Prior to July 1, 1999, the County shall use its best efforts to secure the conveyance of the 40 acres in the El Toro Reuse area to the County for the intended agricultural purposes. The Board of Supervisors, through the El Toro Master Development Program, shall ensure that these lands, if conveyed to the County by the Department of the Navy, will be made available for use by the Sheriff's Department for agricultural purposes.

For purposes of this mitigation measure, the cultivation of these lands may occur in staged increments commensurate with the expansion of the jail, laundry, or Sheriff's station, so long as the amount of cultivated agricultural land lost on the jail site is offset by an equal or greater amount of land cultivated in the immediate area.

This measure is to be overseen by the Board of Supervisors.

From the perspective of mapped land, there will be an absolute loss of 33 acres regardless of the implementation of the full jail expansion plan. This impact cannot be offset and remains significant. In addition, if the County, despite its best efforts, is unable to obtain the 40-acre public benefit conveyance described in Mitigation Measure No. 1, above, the loss of land in cultivation on the Musick Jail site would remain significant. In response to these significant impacts, this EIR considers Mitigation Measure Nos. 2 through 7, below.

#### Mitigation Measure No. 2: County Purchase of Off-Site Agricultural Lands

2. At the time of the commencement of each phase of the jail expansion, the County shall acquire lands in the amount of mapped land lost in that phase for a total of 33 acres for all phases. In addition, the County shall acquire 14.71 acres of prime agricultural land to offset the loss of land in cultivation on the Musick jail site if the County, despite its best efforts, is unable to obtain the 40-acre public benefit conveyance. Therefore, under this mitigation measure, the County would commit to the acquisition of off-site prime agricultural land in the total amount of 47.71 acres (33 acres plus 14.71 acres if the 40-acre conveyance is not obtained).<sup>8</sup> The County shall devote these lands to cultivation for the life of the jail project. These lands may either be cultivated by the County, or leased to others for cultivation.

#### Analysis of Mitigation Measure No. 2

The EIR does not recommend adoption of Mitigation Measure No. 2 for the following reasons:

The cost of acquisition of such land is very high. The County would need to seek off-base lands, which are not proximate to the jail site, and are privately owned. At a minimum cost of \$300,000 per acre, the acquisition cost of these lands would be approximately \$9,900,000.00 (for the loss of 33 acres of mapped land), and approximately \$14,313,000 (for the loss of the 33 acres plus 14.71 acres of cultivated land if the County is unable to obtain the 40-acre conveyance).

This acquisition cost (\$9,900,000 to \$14,313,000) appears to be infeasible based upon fiscal considerations. The County's General Plan, Public Services and Facilities Element (page PSF 3-1), has acknowledged that, since the late 1970s, the County and all other local governments have faced significant fiscal constraints resulting from revenue reductions and spending limitations. The County's recent bankruptcy proceedings highlight the major fiscal issues that constrain the County's ability to provide for public services, programs and facilities. In summary, the significant fiscal constraints include:

- (a) The passage of Proposition 13 in 1978 seriously limited local property taxes as a major revenue source for counties and other local governments. In

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<sup>8</sup> Because some of the cultivated land is within areas marked "Urban & Built Up Lands" on Department of Conservation maps, there is a small amount of "double-counting" of acreage when adding cultivated and mapped land losses. The County regards this as a worst case scenario.

fiscal year 1974-1975, property taxes provided 35 percent of the total County revenues and 24 percent of city revenues. The amounts dropped to 20 percent and 14 percent, respectively, in fiscal year 1979-1980. The County of Orange Fiscal Year 1997-1998 Annual Budget (Budget) projects total county revenue of 3.82 billion dollars. (See, Budget, Chart 1, page 8.) The budget also projects total county property tax revenue of 116.5 million dollars. (See Budget, Page 11.) Thus the projections for 1997-98 anticipate property taxes will provide only 3% of total county revenues.

- (b) The passage of the Gann Initiative (Proposition 4) in 1979, placed constitutional limitations on the annual appropriations that can be made by each state and local governmental entity. These appropriations are limited to those made in fiscal year 1978-1979. Furthermore, they can only be increased in any one year in proportion to inflation rates or personal income increases (whichever is lower) and increases in population. Excess revenues over appropriation limits must be returned to citizens through reduced fees and taxes.
- (c) In the past, general obligation bonds were used extensively to finance certain capital improvements and other programs. Proposition 13 has inhibited the ability of local governments to raise property tax revenues to meet financial obligations, by requiring a positive two-thirds vote of the qualified electorate. These factors have limited seriously the ability of local governments to issue general obligation bonds. The reduction in bonding capability for certain capital improvements and other programs necessarily means that fewer discretionary funds are available to finance other competing programs, including acquisition and preservation of important agricultural lands in central and southern Orange County.
- (d) Federal assistance has been a prime component in both state and local budgets, accounting for 20 to 25 percent of these budgets, particularly since the late 1960s. Significant federal budget cuts have been implemented over the last several years to reduce federal assistance to local governments. Although many of the cuts affect social programs, they also affect the County's ability to divert discretionary funds to competing public services and programs, including acquisition and preservation of important agricultural lands in central and southern Orange County.

In addition, the County's General Plan, Public Facilities and Services Element (page PSF 4-1), has found that, at the same time that revenues have been reduced, and spending limitations imposed, necessary capital improvements as well as operation and maintenance expenses have risen at an escalating rate. These increased expenses are a result of: (a) general inflation, in combination with rising wage levels and employee benefit programs; (b) expansion of public service systems to

accommodate the growing population base of the region; (c) the rising real costs of constructing and expanding capital facilities at rates that exceed general inflation, and these costs have made it increasingly more expensive to furnish essential public services, including flood control, solid waste management, water and wastewater, transportation and community services (fire protection, library, sheriff patrol, street lighting, *etc.*); and (d) aging infrastructure in need of repair and rehabilitation.

On March 5, 1998, the Orange County Board of Supervisors held a special off-site meeting to discuss the Strategic Financial Plan prepared by the County Executive Office. This plan was organized to recognize long-term goals and short-term priorities and attempt to balance them over a five-year period, rather than dealing with an actual budget only. County staff took the capital, operational and programmatic priorities identified by the Board, and prepared a detailed cost and implementation analysis of thirty-one Board priorities for standard annual County government operations, debt defeasance, deferred maintenance, trial court funding, and for additional major programs within the core functions of County government (general administration, public safety, health and human services, and environmental protection and regional planning).

The result of this effort was that not all of the Board of Supervisors' priorities can be supported and funded within a five-year time frame. For example, projects and priorities requiring funding are estimated to cost in total over \$263 million dollars over the five-year planning horizon. This significantly exceeds the total projected available general purpose revenue of \$113 million for capital. The Board is continuing to work with the CEO to prioritize the funding of the listed programs. However, the Board faces a significant challenge to prioritize these projects and priorities within the available resources in a fiscally prudent and accountable manner.<sup>9</sup>

The effect of these fiscal constraints is to force the County (and other local governments) to establish priorities on a case-by-case basis for several competing public needs, services and programs. The County's General Plan does contain a policy listed in the Natural Resources Component of its Resources Element relating to agricultural resources. This policy is "to encourage to the extent feasible the preservation and utilization of agricultural resources as a natural resource and economic asset." (General Plan, page Res-4-2.) This policy does not mandate permanent preservation of agricultural lands within the County, nor does it identify agricultural land as a long-term viable land use. In addition, the County's Resources Element has recognized that urban uses encroach on agricultural lands throughout the County creating pressure to convert farmland to urban uses, and that the rising costs of irrigation water, agricultural land tax rates, labor costs and damage from vandalism have increased production costs making it more difficult to maintain successful agricultural operations. (General Plan, page Res-2-14.) The County's General Plan also acknowledges that growth projections through the year 2020 show the continued urbanization of the County with development continuing to convert agricultural acreage to more intensive land uses. For example, between 1990 and 2020, the General Plan Transportation Element estimated that the population in southern Orange County will add approximately 361,113 people, which represents an

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<sup>9</sup> See, Strategic Financial Plan Workbook, Section II, which is incorporated by reference and available for public review at Clerk of the Board of Supervisors.

increase in population of 53.3 percent during that period. In terms of housing, the General Plan Transportation Element has stated that 51.6 percent of the projected 291,495 new residential units constructed in the County between 1990 and 2020 are expected to be located in southern Orange County. By 2020, a southward shift in the employment distribution from 34% to 43% is also expected to occur. These population, housing and employment projections create pressure to convert agricultural land to urban uses.

The Department of Conservation statistics show that, from 1984 to 1996, 6,325 acres of important farmland were converted to non-agricultural uses in Orange County.<sup>10</sup> Based upon the County's long-term growth projections, urban development is expected to continue to convert agricultural acreage to more intensive land uses. While agriculture, from a dollar standpoint, has done remarkably well on much less acreage cultivated when compared to approximately ten to twenty years ago, significant amounts of agricultural land in central and southern Orange County are planned to be converted to urban development.

In addition, the County does not maintain an agricultural division devoted to cultivation of agricultural lands which is not associated with the Musick jail system. This means that minimum security inmates would have to be transported to the agricultural fields for labor. This increases the risk of escape, due to the distances over which inmates must work to effectively cultivate the field. There is also a minor impact in the area of air quality due to the need to transport the inmates off the Musick Jail site. Four trips daily would be necessary due to the necessity to return inmates to the jail for a noon meal. The Sheriff's Department would also be required to purchase street legal vehicles and pay license fees for the transportation of inmate labor and of the harvested crops, etc.

The County also has no ready means to acquire such lands except by an "arm's length" transaction with a nearby property owner. Exclusive of the Reuse Plan area, the nearest large property owner to the jail site owning agricultural lands is The Irvine Company. Condemnation against this entity would be problematic, as it would be difficult to establish the requisite showing of public need and necessity. Furthermore, most of the land owned by this entity in the vicinity of the Musick Jail site is contemplated for development. Therefore, the acquisition costs would be expected to be very high. In addition, there would not be any net increase in the total amount of agricultural land that would be preserved if the land could somehow be acquired.

#### Other Agricultural-Related Mitigation Measures

The following section describes other available mitigation measures to fully or partially mitigate for the project's agricultural impacts, and it includes an analysis.

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<sup>10</sup> See, Department of Conservation, Division of Land Resource Protection, Summary Table of Acreages for Orange County from 1984-1996.

### Mitigation Measure No. 3: Replace the Lost Agricultural Land

3. Theoretically, the 33 acres (or 47.71 acres if the 40-acre conveyance is not obtained) of prime agricultural land converted by the project could be replaced by the County by removing existing uses from approximately 33 to 47.71 acres of urban or non-urban land within Orange County and converting that acreage to agricultural use (assuming the underlying soils are considered prime agricultural land according to U.S. Natural Resources Conservation Service ("NRCS") criteria). This measure would require not only purchasing a developed or unimproved site and removing existing uses but also selling or leasing the land to a farmer willing to make substantial improvements to the underlying land (e.g., leveling and fencing fields, developing irrigation facilities, finding and purchasing a reliable source of agricultural water). Implementing this measure would substantially reduce the impact, potentially resulting in no loss, or only a negligible loss, to the County's prime agricultural land base and agricultural productivity.

### Analysis of Mitigation Measure No. 3

This EIR does not recommend adoption of Mitigation Measure No. 3 for several reasons. Finding a developed or unimproved site readily available for conversion to agricultural uses with the underlying soil attributes required for effective mitigation would probably be difficult or even impossible because the land in the vicinity of the project site is either developed or designated for urban development. Additionally, the cost of purchasing approximately 33 to 47.71 acres of developed land, removing existing structures or other facilities, improving the site for agricultural use, and providing a reliable agricultural water supply for the site would be high and would likely preclude implementation of this measure. Similarly, purchasing 33 to 47.71 acres of unimproved land and improving it for agricultural use would be costly. Under either scenario, the County would also need to find a farmer willing to purchase or lease the site for farming. The fiscal issues addressed above would be constraints for this measure as well. In addition, the County has not adopted any general plan policies or programs for the purpose of replacing converted prime agricultural lands as a viable means of permanently preserving agricultural land uses. In the absence of an established county-wide program, it is not recommended that the County institute such a program on a case-by-case basis at this time in light of the various fiscal and economic difficulties identified above.

### Mitigation Measure No. 4: Place Agricultural Conservation Easements on Existing Prime Agricultural Land

4. To partially compensate for the project-related loss of agricultural land, the County could protect other high-quality agricultural land; this measure would require placing agricultural conservation easements on approximately 33 to 47.71 acres of prime agricultural land within Orange County. To be effective, these easements could be placed on agricultural lands that have been identified as threatened by future development. In addition, protected parcels could be in areas dictated by County land use policies, including zoning policies, for use as commercial agricultural land.



Establishing agricultural conservation easements involves purchasing deed restrictions on prime agricultural lands that preclude their use for development or non-agricultural purposes. The deed restriction would be permanent unless otherwise negotiated. The land under an easement remains in private ownership and use. Typically, restrictions imposed by an agricultural conservation easement limit residential, non-farm commercial, industrial and extractive (e.g., surface mining) uses of the land. Deeds often allow construction of facilities for the production and processing of agricultural products.

A number of counties and communities in California, including the counties of Marin, Sonoma and Alameda and the cities of Davis and Livermore, have active programs for purchasing development rights on prime agricultural lands. These programs are often administered by private, non-profit organizations but may be administered by a county government agency. Alternatively, a county may provide funding to a non-profit land trust to purchase easements and hold development rights on prime agricultural lands. However, it should be recognized that the counties and communities in California with these active programs are likely to have corresponding general plan and zoning policies that promote the protection of agriculture as a viable land use. The County currently has no general plan land use designations or zoning designations that require land to be permanently protected for agricultural uses.

The cost of purchasing development rights and establishing an easement generally reflects the value of a property's development rights, which is generally equal to the difference between a property's unrestricted market value and its value when restricted to agricultural use. Valuation of development rights is usually determined by an appraisal of the fair market value of restricted and unrestricted agricultural land. Since entering into an easement agreement is voluntary on the part of the farmer, the landowner must agree to the monetary offer for the development rights.

To assure that future landowners of deed-restricted agricultural lands abide by restrictions on their land, monitoring of use is usually required, including periodic site visits by a local program administrator or representative.

County-level funding potentially available for purchasing easements includes general obligation bonds, which require an affirmative two-thirds vote of the county electorate; and discretionary revenues such as sales tax, property transfer tax and property tax revenue. Additionally, while partial funding for easement purchases may be available through a grant from the state's Agricultural Land Stewardship Program, administered by the California Department of Conservation, if the County meets certain criteria for qualifying for a grant, the funding potentially available through this program is limited. (The Agricultural Land Stewardship Program was allocated \$1.9 million for all potential grant requests statewide in the 1997-98 state budget.)

Although purchasing conservation easements on prime agricultural land would not offset or fully compensate for the project-related loss of prime agricultural land, easements would permanently protect agricultural land elsewhere in the County that could otherwise be displaced by future development. Purchasing easements to mitigate for impacts of the project could serve to provide

a structure for mitigating for future projects within the County if a funding source for mitigation can be established. With an agricultural land preservation plan in place, easements could be strategically purchased to protect important agricultural lands in Orange County, thereby protecting at least a portion of the County's agricultural resources. Farmers participating in an agricultural easement purchase program could also benefit from the payment received in exchange for their development rights while they continue to farm. Farmers could also receive a reduction in property tax assessments.

#### Analysis of Mitigation Measure No. 4

This EIR does not recommend the adoption of Mitigation Measure No. 4 for several reasons. Implementing this measure would not directly result in the replacement of the agricultural land converted by the project; therefore, none of the direct adverse effects of the project on the County's prime agricultural land base and agricultural economy would be mitigated. Additionally, the cost of purchasing conservation easements could represent a significant impediment to implementing this measure. Depending on market values for restricted and unrestricted agricultural lands in the path of development, easement costs per acre could be very high, requiring the County to find funding sources within its existing budget structure, or to seek approval of general obligation bonds from voters within the County. However, for the fiscal reasons stated in the analysis of Mitigation Measure No. 2, purchase of agricultural conservation easements are likely to be cost prohibitive.

Additionally, the County would need to locate willing sellers of development rights, which may prove difficult in areas of escalating land values. This factor is particularly true in the area surrounding the project site. Administering an easement program also could result in on-going costs to purchase and monitor easements with funds provided by the County. However, these funds would have to come from discretionary revenues of the County, and these revenues are already earmarked for existing and planned County capital improvement projects and other public programs and facilities.

To maximize the effectiveness of such a mitigation measure, the easements should be purchased in the context of a larger strategic plan for the protection and permanent preservation of agriculture within Orange County. This strategic plan should be linked to land use policies and programs contained in the County's General Plan and could take the form of an Agricultural Element in the General Plan. This strategic plan should also identify critical and threatened agricultural lands requiring protection, containing policies and programs (e.g., a right-to-farm ordinance, Williamson Act policies, water policies, *etc.*) designed to protect and enhance the agricultural economy and include a funding plan for purchasing easements (e.g., mitigation fees). Mitigation involving the purchase of conservation easements should be guided by this long-term plan rather than being implemented in a piecemeal fashion. However, the County has not adopted an agricultural element to its General Plan, or any right-to-farm ordinance, agricultural preservation program, an agriculturally-oriented conservation easement program or any other similar regulation to ensure that agriculture remains a viable land use regardless of market forces. In addition, the County has no general plan land use designations or zoning designations that require land to be permanently

maintained as "agricultural" land without regard to agricultural trends in Orange County, or current market forces affecting agricultural operations and productivity in Orange County. In fact, the County Zoning Code expresses the intent that the "A1 General Agricultural" district designation may be used as an interim zone in those areas which the General Plan may designate for more intensive urban uses in the future. This zoning policy acknowledges that agriculture is a commodity which must compete in a free-enterprise system without governmental subsidies, and without local controls or regulations that may interfere with market forces.

The County could amend its general plan and zoning code; however, such amendments have not been advocated in light of the trend in central and southern Orange County of converting agricultural lands to urban uses. Absent the County's adoption of general plan policies or programs for the purchase of conservation easements as a viable means of permanently preserving agricultural land uses throughout the County, including the adoption of applicable zoning code provisions, the EIR does not recommend that the County institute such a program on a case-by-case basis in light of the various fiscal and economic difficulties identified above.

#### Mitigation Measure No. 5: Establishment of a Transfer-of-Development Rights Program

5. To partially compensate for the project-related loss of agricultural land, the County could establish a transfer-of-development rights ("TDR") program to protect agricultural land elsewhere in the County.

A TDR program is a complex protection tool that works by transferring development rights from lands that should remain in agricultural use to areas where increases in density are encouraged. A typical TDR program establishes both a preservation district (the "sending" area) and a development district (the "receiving" area). Development rights are assigned for all properties in the sending area. Landowners wishing to develop to higher densities in the receiving area purchase development rights from landowners in the sending area. Developers in receiving areas are encouraged to participate in the program by the offer of a density bonus, which allows development at a higher density than is provided for by current zoning. The public pays only for the administration of the TDR program.

TDR programs can be mandatory or voluntary, but voluntary programs in which the landowner in the sending area has the option of either developing the land, typically at large-lot density, or selling the development rights are more common.

While TDR is a concept that planners have discussed for years, it has only been widely implemented in Montgomery County, Maryland, and as part of a New Jersey program. Eleven California counties have enacted TDR programs with varying degrees of success, including Amador, Butte, Lassen, Marin, Mono, Monterey, Nevada, Placer, San Luis Obispo, San Mateo, and Shasta counties.

Successful implementation of a TDR program could result in the targeted protection of agricultural land within the County at little ongoing cost to local government. One virtue of a TDR program is

that it establishes a means under the free market system of moving development away from valuable agricultural resources to desirable, publicly identified locations. Once established, a TDR program could be used to partially mitigate for the adverse agricultural effects of future development projects within Orange County.

#### Analysis of Mitigation Measure No. 5

This EIR does not recommend adoption of Mitigation Measure No. 5 for several reasons. A TDR program would do little to mitigate for the loss of agricultural land due to the project because protecting agricultural lands off-site would not directly offset the project-related conversion of agricultural lands at the project site. Further, TDR programs are designed to facilitate transfers of development rights between the owners of private properties. Since the project site is publicly owned, it would be difficult to design a TDR program that would functionally mitigate for project impacts. TDR programs are better implemented as part of long-term county-wide planning processes, such as general plan updates or other county-wide agricultural land protection efforts. No such County planning processes are either in place or contemplated to facilitate an effective TDR program.

The process of designing and implementing a TDR program can be cumbersome, typically requiring extensive up-front land use planning and public input. TDR programs often are controversial because they can affect property values in both receiving and sending areas. Other problems with TDR programs include a potential lack of willing sellers in the sending area even though there are interested buyers in the receiving area. On balance, while a TDR program could effectively protect off-site agricultural lands; the ability of the County to design and implement a TDR program for publicly owned land in a timely manner to successfully reduce project impacts is not considered practical or reasonable. The fiscal considerations referred to in Mitigation Measure No. 2 above, would also play an important role in any decision by the County.

#### Mitigation Measure No. 6: Enact a Right-to-Farm Ordinance

6. The extension of urban development into farming areas not only reduces the amount of land available for crop production but also may make it more difficult for farmers to continue farming because of the incompatibility of suburban and urban neighbors. Dust, odors, pesticide use and machinery noise associated with normal farming operations may generate nuisance suits from new neighbors. Farmers also may experience increased costs associated with garbage dumping on their property, theft of produce and equipment, vandalism of equipment and increased traffic on roads used to move equipment between fields.

Existing farming operations near developing urban areas may be protected by the County through enacting a right-to-farm ordinance. Although the California Legislature has passed a right-to-farm law that applies to the entire state, at least 33 counties in the state have enacted local right-to-farm ordinances to provide additional protections to farmers in quickly urbanizing farm areas. Right-to-farm ordinances make it more difficult for homeowners to claim that their property rights are being

affected by nearby farming operations if the operations were in existence when the homeowners bought their property.

Local right-to-farm ordinances may incorporate one or more of the following:

- (a) a declaration that normal farming operations do not constitute a nuisance if begun before a complaining neighbor moved in;
- (b) an agricultural use notice requiring sellers, real estate agents, and title companies to inform prospective home buyers that commercial farming operations are close by and that odors, dust, flies, and noise may accompany such operations;
- (c) a grievance or arbitration committee established to mediate disputes between farmers and non-farm residents; and
- (d) the levying of fines for damages to farmers resulting from vandalism, pilferage, and related losses.

Enacting a right-to-farm ordinance would strengthen the County's commitment to protecting farming operations and agricultural resources in urbanizing areas of Orange County. To some extent, it would alleviate some of the indirect adverse effects on farmers that result from the extension of development into the County's traditional farming areas. Costs of enacting and administering an ordinance would be relatively low compared to the high costs of measures that directly protect agricultural land (*i.e.*, conservation easements).

#### Analysis of Mitigation Measure No. 6

This EIR does not recommend adoption of Mitigation Measure No. 6 for several reasons. Because a right-to-farm ordinance would not increase the amount of agricultural land within the County, it would do little to mitigate the direct effect of the project. Additionally, an ordinance would provide no direct protection for the County's remaining agricultural lands, allowing those lands to continue to be vulnerable to urban development pressures. In addition, the County has not elected to adopt a right-to-farm ordinance in the past, despite a continuing trend in central and southern Orange County to convert agricultural land to urban uses. There is nothing unique about this project that would warrant a re-evaluation by the County of the need for a right-to-farm ordinance. To be meaningful, mitigation for project impacts should provide long-term protection for productive off-site agricultural lands and certainty that the mitigation would be implemented. Based on these criteria, the EIR does not recommend implementing a right-to-farm ordinance because it would not provide adequate long-term protection for important agricultural land within Orange County.

### Mitigation Measure No. 7: Enroll Existing Agricultural Land Under a Williamson Act Contract

7. To compensate for the loss of agricultural land on the project site, the County could encourage farmers to enroll lands in Williamson Act contracts through a notification and information campaign. For example, information on the tax and agricultural land protection benefits of enrolling in the County's Williamson Act program could be included in the property tax bills of owners of agriculturally zoned lands.

The Williamson Act is a voluntary land conservation program that has been in existence for 33 years. Forty-two of the state's fifty-eight counties participate in the program, including Orange County. The Williamson Act program is administered by the County, and landowners voluntarily enroll in the program by contractually committing to restrict the use of their land to agricultural and open space uses for at least 10 years. In return, the landowner is taxed at a rate based on the actual use of the land for agricultural purposes, as opposed to its unrestricted market value.

A Williamson Act contract is generally considered to be an effective tool for the short-term protection of agricultural land. Administrative costs for enrolling additional lands would be minor because a Williamson Act program is already in place in Orange County. The costs of enacting an education and notification program are unknown.

### Analysis of Mitigation Measure No. 7

This EIR does not recommend adoption of Mitigation Measure No. 7 for several reasons. Enrolling additional agricultural land under Williamson Act contracts would not directly reduce the agricultural land conversion impact of the project, and would not permanently protect agricultural land from development. Because the program is voluntary, it may be difficult for the County to encourage new enrollments, especially for agricultural lands with high speculative land values because they are in the path of development.<sup>11</sup> These factors are particularly relevant in portions of central and southern Orange County where land values place pressure upon landowners to convert agricultural operations to urban uses. Landowners may also be resistant to limiting their near-term options for their properties. In addition, although the County receives subvention payments from the state to offset property tax reductions for lands under Williamson Act contracts, subvention payments may not fully offset the loss of property tax revenue from new properties placed under contract, resulting in a net revenue loss to the County treasury. To be meaningful, mitigation for project impacts should provide long-term protection for productive agricultural lands and certainty that the mitigation would be implemented. Based on these criteria, encouraging additional enrollments of agricultural land in the County's Williamson Act program may not be effective since landowner participation is voluntary and, therefore, provides little certainty of success.

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<sup>11</sup> In fact, Orange County has been the site of numerous Williamson Act contracts, especially by the large landowners in southern Orange County. However, the last of such contracts has been noticed for non-renewal and will be removed from the preserve status in 1999.

### **3.1.3 Level of Significance After Mitigation**

The impacts to currently cultivated land are considered mitigated to an insignificant level upon implementation of Mitigation Measure No. 1.

The implementation of Mitigation Measure No. 1 requires that the County receive the 40-acre public benefit conveyance as part of the MCAS El Toro Community Reuse Plan. If the County, despite its best efforts, does not obtain the 40-acre conveyance, the project's impacts to cultivated land would remain significant. The impacts to mapped lands are considered unavoidably significant.

#### 4. CUMULATIVE IMPACTS

§15355 of the CEQA Guidelines defines cumulative impacts as follows:

"Cumulative Impacts" refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

- (a) The individual effects may be changes resulting from a single project or a number of separate projects.
- (b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

A cumulative impact discussion may be based upon a summary of projections contained in an adopted general plan.

In FEIR 564, such a summary of projections (Orange County Projections (OCP) 92 and the Transportation-Element of the Orange County General Plan) was utilized but did not include the El Toro Reuse Plan (hereinafter "Reuse Plan").<sup>12</sup> This projection summary - and the resulting impacts from the projects contained in the summary - were fed into traffic, noise and air quality studies in order to assess the jail expansion project in a complete context. Therefore, FEIR 564 already contains in its noise, air quality, and traffic assessments the cumulative impact of all projects which are intended to be undertaken in combination with the jail between the time of the writing (1996) and the year 2020.

At the time of the publication of Draft EIR 564, the Reuse Plan EIR had just been released. Because the Reuse Plan was a concept plan, its EIR data was not as detailed as that which was published for the Jail expansion because the Jail expansion EIR was prepared at the construction level of specificity. Therefore, the most useful comparison the County believed it could make was contrasting the two projects by size.

The Court has provided guidance (*Statement of Decision*, p. 13, ll. 16-24) concerning the approach to cumulative impacts with respect to the Reuse Plan. The County has followed the guidance of the Court in the following discussion. The County has looked at the effect of the Jail expansion, taken in combination with the Reuse Plan. The first scenario is to consider that nothing will be placed on the 4,700 acre Reuse Plan (i.e. open spaces use only). This first scenario also excludes the current base operations or base operations in

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<sup>12</sup> The OCP-92 projections are hereby incorporated by reference. A copy of this document is on file at the County of Orange, Planning Development Services Department, 300 N. Flower, Santa Ana, CA 92702.



recent years, thereby magnifying the Jail proportion of impacts considerably. Additionally, the County has evaluated the Jail expansion taken together with Alternative A of the Reuse Plan FEIR 563, which is the most intensive aviation alternative. The results of this evaluation are included in this section.

The County evaluated these data in terms of traffic, air quality, public services and facilities, and agricultural impacts. Because the Jail expansion is in three phases, and theoretically will be completely or partially implemented before the Reuse Plan is implemented, the County has conducted existing conditions, interim, and long-range (Year 2020) assessments of impacts. At all times, where the County had a choice of assumptions on which to base analyses, the County chose that assumption which would produce the "worst case" analysis.

When considering cumulative effects, the significant disparity between two projects in terms of size can often contribute to a result where the smaller project's impacts are "dominated" by the larger project's impacts. The County believes that this is the case with respect to the Jail expansion and the Reuse Plan Alternative A analysis. This conclusion is amply demonstrated later in this analysis in the traffic scenarios where the Reuse Plan is shown as open space. The County believes that this is not invoking the "ratio" concept, but rather acknowledging that a massive project can outweigh by a considerable margin the effects of a smaller project. Nonetheless, the most telling scenario for impact assessment from a cumulative standpoint is to determine whether the jail can have any effect at all on impact conclusions in the EIR irrespective of the Reuse Plan's presence. Since FEIR 564 already evaluated all past, present, and reasonably foreseeable future projects except the Reuse Plan, the task of considering the Reuse Plan territory as open space merely means that the Reuse Plan traffic considered for the existing baseline is removed. The results then show the effects of the Jail expansion project when combined with the other past, present, and reasonably foreseeable future projects conducted by the cities of Irvine, Lake Forest, and others.

The County has elected to divide the cumulative impacts analysis into topical discussions as set forth below.

#### Agricultural Lands

The Reuse Plan EIR reports that the Department of the Navy currently leases 1,040 acres of agricultural land, 726 acres of which are considered "prime farmland" and 92 acres of which are considered "farmlands of statewide importance" by the U.S. Natural Resources Conservation Service. The remaining 222 acres of agriculturally leased land on the base have not been rated. (Final EIR 563, p. 4-452).

If it is assumed that the 40 acres on the base is ultimately conveyed to the County for use by the Sheriff's Department (and this would simultaneously mean that 40 acres of agriculture on the base were preserved), there would be a net loss of cultivated land between the Jail

expansion and the base reuse of approximately 719 acres.<sup>13</sup> This assumes that the base reuse will not result in any more agricultural acreage than shown on maps within the Reuse EIR and in the request for interim leases. However, if the County, despite its best efforts, does not obtain the 40-acre conveyance as part of the MCAS El Toro Community Reuse Plan, there would be a loss of mapped agricultural land with both the jail expansion and the base reuse of approximately 759 acres.

As stated above, conversion of agricultural land to urban uses is a long and continuing trend in Orange County. While not within the scope of this document to quantify the amount of agricultural land which is under pressure to be converted to urban uses in Orange County and the remainder of southern California, it is highly likely (and probably certain) that such cumulative development pressure exists and will continue with or without implementation of the project. The conversion of agricultural land to urban uses is an important policy decision which is ultimately left to each local jurisdiction. The loss of agricultural land in Orange County is considered a significant impact, whereas, it may not be considered a significant impact in another jurisdiction. Each project should be evaluated, in conjunction with other related projects, on a case-by-case basis to assess the cumulative impact of development on local agricultural lands and productivity.

#### Mitigation Measures

In this document, the County considered seven mitigation measures in response to the identification of project-related impacts to agricultural lands. The seven mitigation measures were: (1) Conveyance of 40 acres in the El Toro reuse area; (2) County purchase of off-site agricultural land; (3) Replacement of the lost agricultural land due to the project; (4) Placement of agricultural conservation easements on existing prime agricultural land; (5) Establishment of a transfer-of-development rights program; (6) Enactment of a right-to-farm ordinance; and (7) Enrollment of existing agricultural land under a Williamson Act contract. These mitigation measures are equally applicable to the conversion of agricultural land due to cumulative development. For a detailed discussion of each mitigation measure, and an analysis of each measure, please refer to Section 3, Environmental Setting, Impacts and Mitigation Measures, Section 3.1 Agricultural Lands.

### Cumulative Traffic and Circulation Impacts

#### Introduction

The following analysis is based on the data and information included in JAMES A. MUSICK FACILITY EXPANSION SUPPLEMENTAL TRAFFIC ANALYSIS, by Austin-Foust Associates, Inc., dated July 31, 1998 (Appendix G) which supplements information in the JAMES A. MUSICK FACILITY EXPANSION TRAFFIC ANALYSIS, by Austin-

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<sup>13</sup> 726 acres plus 33 acres loss from the jail minus 40 acres in proposed lease to County.

Foust Associates, Inc., dated August 13, 1996, and included in Final EIR 564. The purpose of the analysis is to address the cumulative traffic impacts of the proposed project on the regional highway system in the interim and long term conditions, with and without the El Toro Community Reuse Plan ("CRP"). Additionally, the cumulative effects of project traffic when combined with the ETRPA Non-Aviation Plan (the Millennium Plan) prepared by ETRPA (El Toro Reuse Planning Authority), a consortium of agencies opposed to the airport, is also analyzed.

The proposed project is in the proximity of the El Toro - MCAS. Traffic from the Reuse Plan will affect a much greater area than is affected by the Musick Jail Expansion project traffic. Due to the proximity of the two projects, this analysis addresses the El Toro CRP as a cumulative project with the Musick Facility expansion to determine the interim and long-range cumulative impacts on the highway system within the Musick Jail Expansion Study area.

It should be emphasized that the project level traffic study for FEIR 564 already considered the past, present, and future projects in the area except for the Reuse Plan and the ETRPA plan, and included their traffic in its cumulative impact assessments for interim and long-range impacts.

To carry out this analysis, two development scenarios are addressed as instructed by the Court. The first assumes no activity on the El Toro-MCAS site and represents a situation in which the military leaves MCAS El Toro and no Reuse Plan is developed in the interim and long-term conditions (i.e., the Base is open space with no trip generating activities). The second scenario includes the full development of the Board of Supervisor's selected Reuse Plan (Alternative A), a commercial airport and related development plan. In addition, this analysis provides a best efforts comparison of the trip generation of the ETRPA Non-Aviation Plan to the CRP (Table 8) trip generation based on information presently available from ETRPA. It is assumed for purposes of this cumulative impacts analysis, the ETRPA Non-Aviation Plan would generate similar vehicle trips in the Study area.

Information for the CRP used in this analysis is consistent with that contained in EIR 563 and as augmented by the Supplemental Traffic Study for the Jail expansion.. The interim and long range cumulative traffic analysis for the proposed project includes herein the amount of future traffic on each roadway that is due to the Musick Facility expansion as a component of the total traffic including these horizon projects. The traffic analysis methodology uses similar performance criteria to that used in the Reuse Plan EIR to determine the increment of the project traffic to the total traffic. For identifying potential mitigation for the Musick facility expansion impacts, the El Toro CRP procedures have also been used. A detailed discussion of the approach used in that analysis can be found in EIR 563, and a summary is given in the next section of this report.

The CRP adopted by the Board of Supervisors included aviation uses, together with other supporting land uses. An alternative land use plan for MCAS-El Toro was recently prepared by the El Toro Reuse Planning Authority (ETRPA), which includes the Cities of Irvine and Lake Forest among other southern Orange County cities. This Alternative (referred to by its proponents as the "Millennium Plan" and referred to herein as the ETRPA Non-Aviation Plan) includes a mixed-use planned community, parks and open space, with no airport. The ETRPA non-aviation plan is currently being analyzed as part of the Master Plan ("Tier Two") DEIR for the Reuse Plan, which is scheduled to be released in Summer, 1999. The ETRPA non-aviation plan trip generation is estimated herein based on information now available from ETRPA, and then compared to the CRP adopted by the Board of Supervisors.

### Performance Criteria

This interim and long term cumulative traffic analysis utilizes the El Toro CRP EIR performance criteria to evaluate the operating conditions of roadways within the study area. Consistent with that approach, the performance of individual roadways was evaluated using volume-to-capacity (V/C) ratios based on ADT volumes. Table 3 shows the roadway capacities used by each jurisdiction within the El Toro CRP study area for the various arterial classifications. It should be noted that the roadway capacities shown in the table are approximate figures only, and are used here for the cumulative impact-level of analysis. Final roadway conditions are affected by such factors as intersections (numbers and configuration), degree of access control, roadway grades, design geometrics (horizontal and vertical alignment standards), sight distance, level of truck and bus traffic, and level of pedestrian and bicycle traffic.

This approach is considered appropriate for a cumulative impacts analysis which does not require as great a level of detail as is provided for effects attributable to the project alone (CEQA Guidelines §15130(b)).

Table 3

## TRAFFIC ANALYSIS PERFORMANCE CRITERIA

**LEVEL OF SERVICE CRITERIA**

Level of Service to be determined based on average daily traffic (ADT) volume-to-capacity (V/C) ratios using the following ADT capacities:

**Arterial Roadways****COUNTY OF ORANGE, LAKE FOREST CITY LIMITS/SPHERE**

Principal Arterial	8 lane divided	75,000
Major Arterial	6 lane divided (augmented)	56,300 (67,600)
Primary Arterial	4 lane divided (augmented)	37,500 (45,000)
Secondary Arterial	4 lane undivided (augmented)	25,000 (30,000)
Collector	2 lane undivided	12,500

**IRVINE CITY LIMITS/SPHERE**

Major Arterial	10 lane	90,000
	8 lane	72,000
	6 lane (augmented)	54,000 (65,000)
Primary Arterial	4 lane (augmented)	32,000 (42,000)
Secondary Arterial	4 lane	28,000
Commuter	2 lane	13,000

**PERFORMANCE STANDARDS**

Level of Service D (ADT V/C less than or equal to .90) - All arterials other than CMP arterials, IBC and Irvine Center arterials and Lake Forest commercial streets

Level of Service E (ADT V/C less than or equal to 1.00) - CMP arterials, IBC and Irvine Center arterials and Lake Forest commercial streets

**TRAFFIC IMPACT THRESHOLD**

The project is considered to have a significant traffic impact at locations where the performance standard is not maintained (i.e., an unacceptable LOS is indicated by the ADT V/C ratio) and the project contribution to the V/C ratio is .01 or greater compared to no-project conditions.

Abbreviations: CMP - Congestion Management Program      IBC - Irvine Business Complex

Note: The ADT roadway capacities listed in this table are approximate figures only, and are used at the General Plan level.

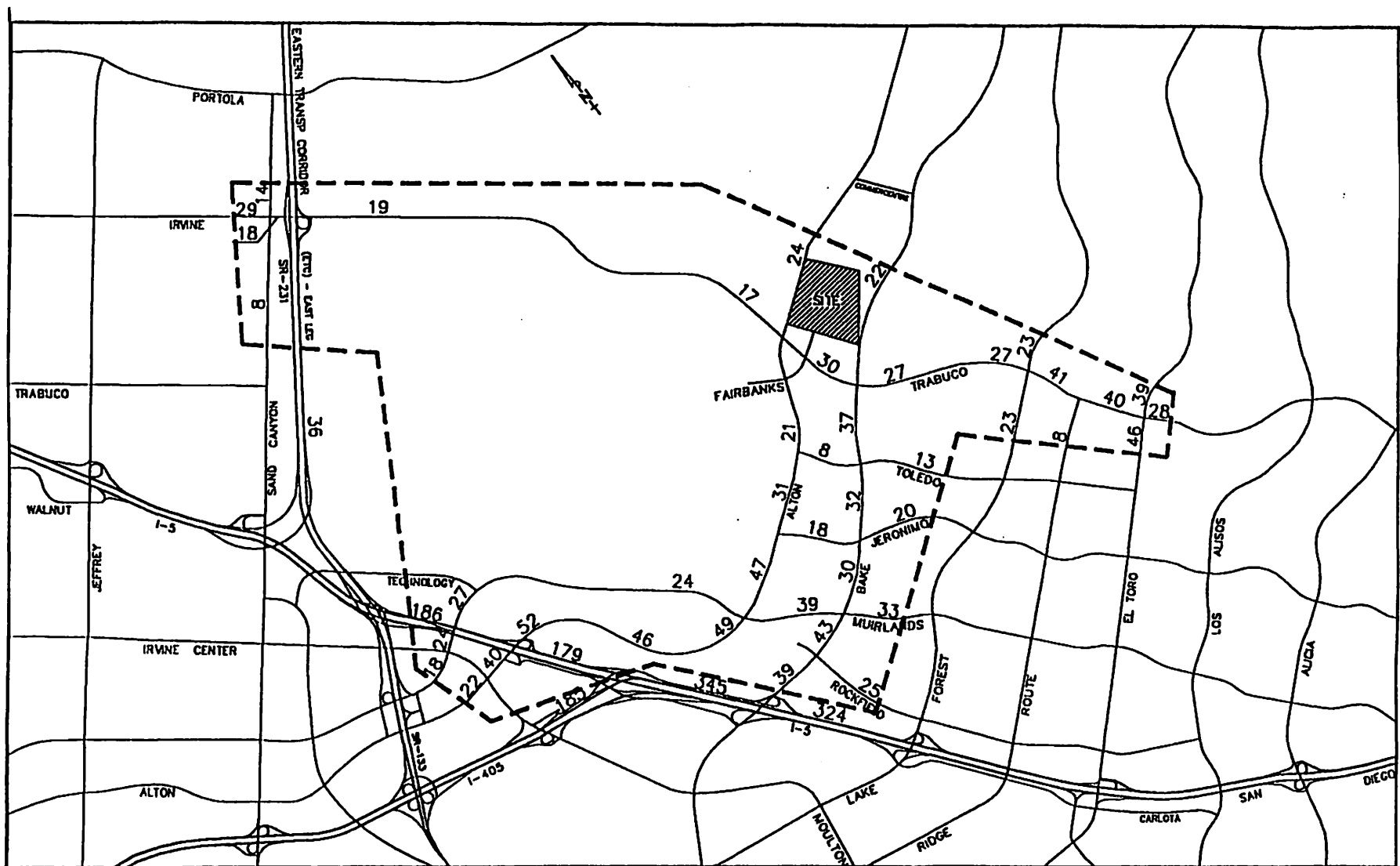
## **Cumulative Impact Analysis**

### **Interim Cumulative Conditions**

The first part of this analysis addresses an interim development condition based on the completion of construction and full-occupancy of the Musick Jail Expansion. For the Interim condition, two assumptions are made for the El Toro CRP including:

- (a) MCAS El Toro is closed by the U.S. Marine Corps on or about July, 1999, but no redevelopment plan is implemented for the Base upon completion of full occupancy of the Jail expansion project.
- (b) MCAS El Toro is fully redeveloped and occupied according to the Board of Supervisors selected Reuse Plan including an international airport after full occupancy of the Jail expansion project. This represents a worst case scenario.

Exhibits 2, 3 and 4 show ADT volumes on the study area circulation system for this scenario (a) without the Musick Facility Expansion, (b) with the Expansion Project (but with the Base vacant), and (c) with the Jail expansion and the development of the El Toro CRP. The corresponding volume to capacity (V/C) ratios for the arterial highway links, including those links which are deficient (i.e., exceed 90% of the ADT capacity of the highway link) for one or more of the Interim Condition scenarios are shown in Table 4.

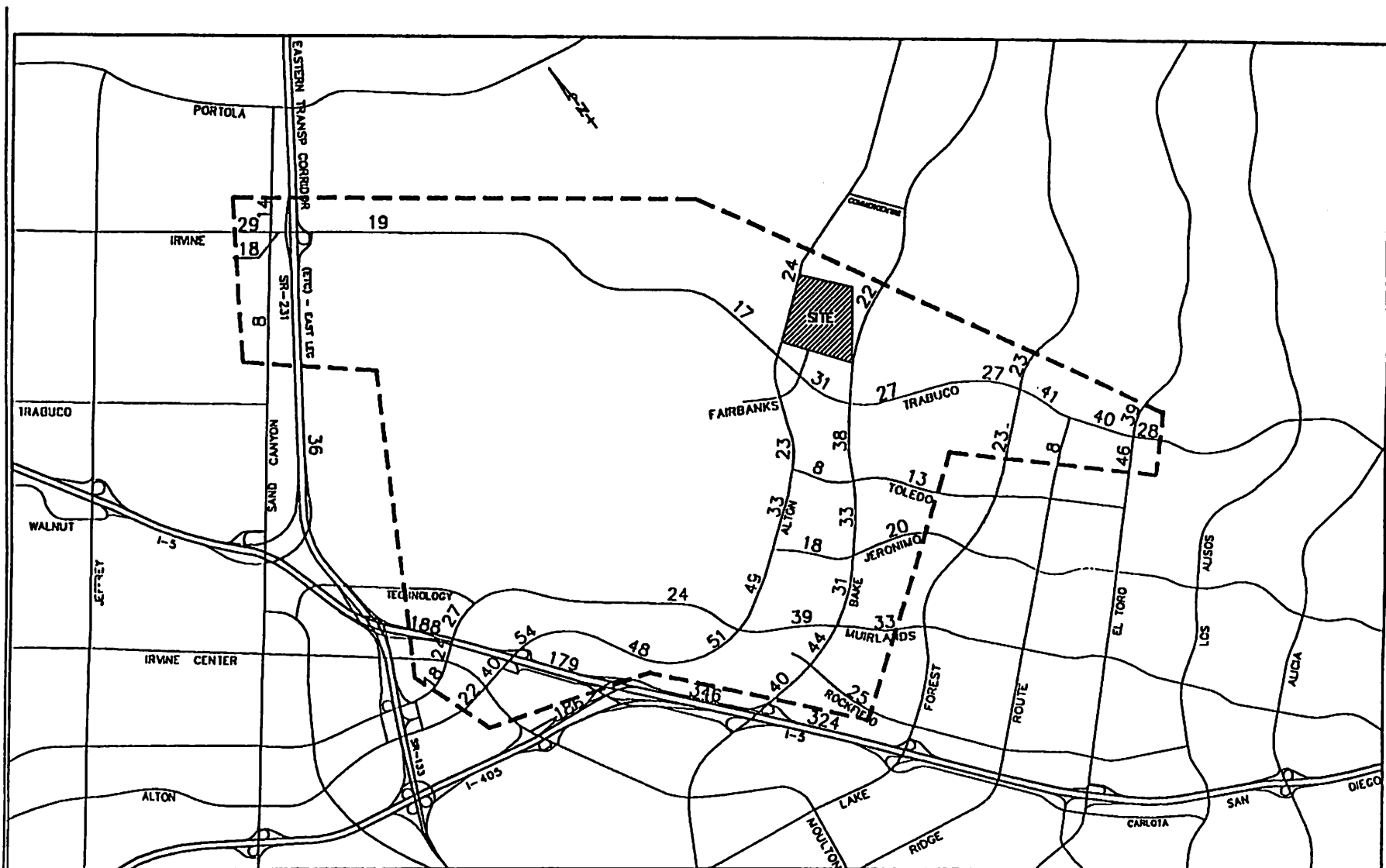


### LEGEND

----- Study area boundary

### Exhibit 2

INTERIM YEAR ADT VOLUMES  
-NO PROJECT AND WITH VACANT MCAS



#### LEGEND

----- Study area boundary

Exhibit 3  
INTERIM YEAR ADT VOLUMES  
-WITH MUSICK FACILITY  
AND WITH EL TORO MCAS VACANT





Table 4

## INTERIM YEAR ADT VOLUME/CAPACITY RATIO SUMMARY

ROADWAY	LANES	CAPACITY	NO-PROJECT VOLUME	V/C	W/MUSICK & W/O EL TORO CRP VOLUME	V/C	W/MUSICK & W/EL TORO CRP VOLUME	V/C
<b>IRVINE (CITY/SPHERE)</b>								
Alton w/o Irvine Center	6	54,000	22,000	.41	22,000	.41	24,000	.44
Alton w/o I-5	6	54,000	40,000	.74	40,000	.74	41,000	.76
Alton e/o I-5	8	72,000	52,000	.72	54,000	.75	58,000	.81
Alton s/o Rockfield	6	54,000	46,000	.85	48,000	.89	52,000	.96*
Alton s/o Muirlands	6	54,000	49,000	.91*	51,000	.94*	56,000	1.04*
Alton n/o Muirlands	6	54,000	47,000	.87	49,000	.91*	58,000	1.07*
Alton n/o Jeronimo	6	54,000	31,000	.57	33,000	.61	40,000	.74
Alton n/o Toledo	6	54,000	21,000	.39	23,000	.43	30,000	.56
Alton n/o Trabuco	6	54,000	24,000	.44	24,000	.44	28,000	.52
Bake n/o I-5	8	72,000	39,000	.54	40,000	.56	49,000	.68
Bake n/o Rockfield	8	72,000	43,000	.60	44,000	.61	49,000	.68
Barranca w/o Irvine Center	4	20,000	18,000	.90	18,000	.90	22,000	1.10*
Barranca w/o I-5	4	28,000	24,000	.86	24,000	.86	30,000	1.07*
Barranca e/o I-5	4	29,000	27,000	.93*	27,000	.93*	23,300	.80
Barranca w/o Alton	4	26,000	24,000	.92*	24,000	.92*	28,000	1.08*
Irvine w/o Sand Canyon	6	34,000	29,000	.85	29,000	.85	44,000	1.29*
Irvine e/o Sand Canyon	6	34,000	18,000	.53	18,000	.53	41,000	1.21*
Irvine e/o ETC East Leg <sup>1</sup>	6	54,000	19,000	.35	19,000	.35	51,000	.94
Irvine w/o Alton <sup>1</sup>	6	54,000	17,000	.31	17,000	.31	33,000	.61
Irvine e/o Alton <sup>1</sup>	6	54,000	30,000	.56	31,000	.57	48,000	.89
Jeronimo e/o Alton	4	32,000	18,000	.56	18,000	.56	26,000	.81
Muirlands e/o Alton	4	32,000	39,000	1.22*	39,000	1.22*	44,000	1.38*
Sand Canyon n/o Trabuco	6	54,000	8,000	.15	8,000	.15	19,000	.35
Sand Canyon n/o Irvine	4	32,000	14,000	.44	14,000	.44	16,000	.50
Toledo e/o Alton	4	28,000	8,000	.29	8,000	.29	10,000	.36
<b>IRVINE/LAKE FOREST</b>								
Bake n/o Muirlands	6	54,000	30,000	.56	31,000	.57	40,000	.74
Bake n/o Jeronimo	6	54,000	32,000	.59	33,000	.61	42,000	.78
Bake n/o Toledo	6	54,000	37,000	.69	38,000	.70	43,000	.80
Rockfield e/o Bake	4	32,000	25,000	.78	25,000	.78	25,000	.78
<b>LAKE FOREST</b>								
Bake n/o Trabuco	4	37,500	22,000	.59	22,000	.59	23,000	.61
El Toro n/o Toledo <sup>1</sup>	8	75,000	46,000	.61	46,000	.61	47,000	.63
El Toro n/o Trabuco <sup>1</sup>	6	56,300	39,000	.69	39,000	.69	37,000	.66
Jeronimo e/o Bake	4	37,500	20,000	.53	20,000	.53	24,000	.64
Lake Forest n/o Toledo	6	56,300	23,000	.41	23,000	.41	23,000	.41
Lake Forest n/o Trabuco	6	56,300	23,000	.41	23,000	.41	24,000	.43
Muirlands e/o Bake	4	37,500	33,000	.88	33,000	.88	36,000	.96*
Toledo e/o Bake	4	25,000	13,000	.52	13,000	.52	12,000	.48

(Continued)

**Table 4 (cont)**  
**INTERIM YEAR ADT VOLUME/CAPACITY RATIO SUMMARY**

ROADWAY	LANES	CAPACITY	NO-PROJECT		W/MUSICK & W/O EL TORO CRP		W/MUSICK & W/EL TORO CRP	
			VOLUME	V/C	VOLUME	V/C	VOLUME	V/C
LAKE FOREST (cont)								
Trabuco e/o Bake <sup>1</sup>	6	56,300	27,000	.48	27,000	.48	42,000	.75
Trabuco w/o Lake Forest <sup>1</sup>	6	56,300	27,000	.48	27,000	.48	42,000	.75
Trabuco e/o Lake Forest <sup>1</sup>	6	56,300	41,000	.73	41,000	.73	49,000	.87
Trabuco e/o Ridge Route <sup>1</sup>	6	56,300	40,000	.71	40,000	.71	48,000	.85
Trabuco e/o El Toro	6	56,300	28,000	.50	28,000	.50	38,000	.67

<sup>1</sup> Included on the Congestion Management Plan (CMP) highway network

\* Exceeds the established level of service performance standard (LOS "D" for non-CMP roadways, LOS "E" for CMP roadways)

Level of service ranges: .00 - .60 A  
.61 - .70 B  
.71 - .80 C  
.81 - .90 D  
.91 - 1.00 E  
Above 1.00 F

As the table indicates, the project itself measurably adds to the cumulative impacts at the following deficient highway links:

1. Alton Parkway south of Rockfield (deficient only in the "with El Toro CRP" condition)
2. Alton Parkway south of Muirlands (deficient with or without the project)
3. Alton Parkway north of Muirlands (deficient with the project and the CRP)

Alton Parkway south of Rockfield would operate at acceptable V/C ratios in the No Project and With Musick Jail Expansion conditions. Deficient V/C ratios would occur on Alton Parkway south of Rockfield only under the With CRP condition. Therefore, the proposed project would have no significant cumulative impact except in the context of the CRP at Alton Parkway south of Rockfield.

Alton Parkway south of Muirlands would operate at deficient V/C ratios in the No Project condition with or without the Musick Jail Project and/or the CRP. The Musick Jail Expansion and the CRP projects would each add measurable traffic to this deficient link. The highway improvements required for the No Project condition would also mitigate the Musick Jail Expansion and the CRP projects to acceptable V/C ratios.

Alton Parkway north of Muirlands would operate at acceptable V/C ratios under the No Project condition but unacceptable V/C ratios would occur with the addition of the Musick Jail Expansion project. Highway improvements would be required to obtain acceptable V/C ratios with the Musick Jail Expansion project. These improvements would also be required for the CRP condition.

#### Long-Range Cumulative Conditions

The second part of this analysis addresses the long-range development condition based on the completion of construction and full-occupancy of the Musick Jail Expansion in long-range (i.e., Year 2020 condition). For the long-range condition, two assumptions are made for the El Toro CRP including:

- (a) MCAS El Toro is closed by the U.S. Marine Corps on or about July, 1999, but no redevelopment plan is implemented for the Base for the long-range time frame.
- (b) MCAS El Toro is fully redeveloped and occupied according to the Board of Supervisors selected Reuse Plan including an international airport in the long-range condition.

Exhibits 5 and 6 show ADT volumes on the study area circulation system for this scenario (a) without the Musick Facility Expansion, and (b) with the Expansion Project (but with the Base vacant). The corresponding volume to capacity (V/C) ratios for the arterial highway links are shown in Table 5, "Long-Range Volume/Capacity Ratio Summary With and Without Musick Facility and With El Toro MCAS Vacant."

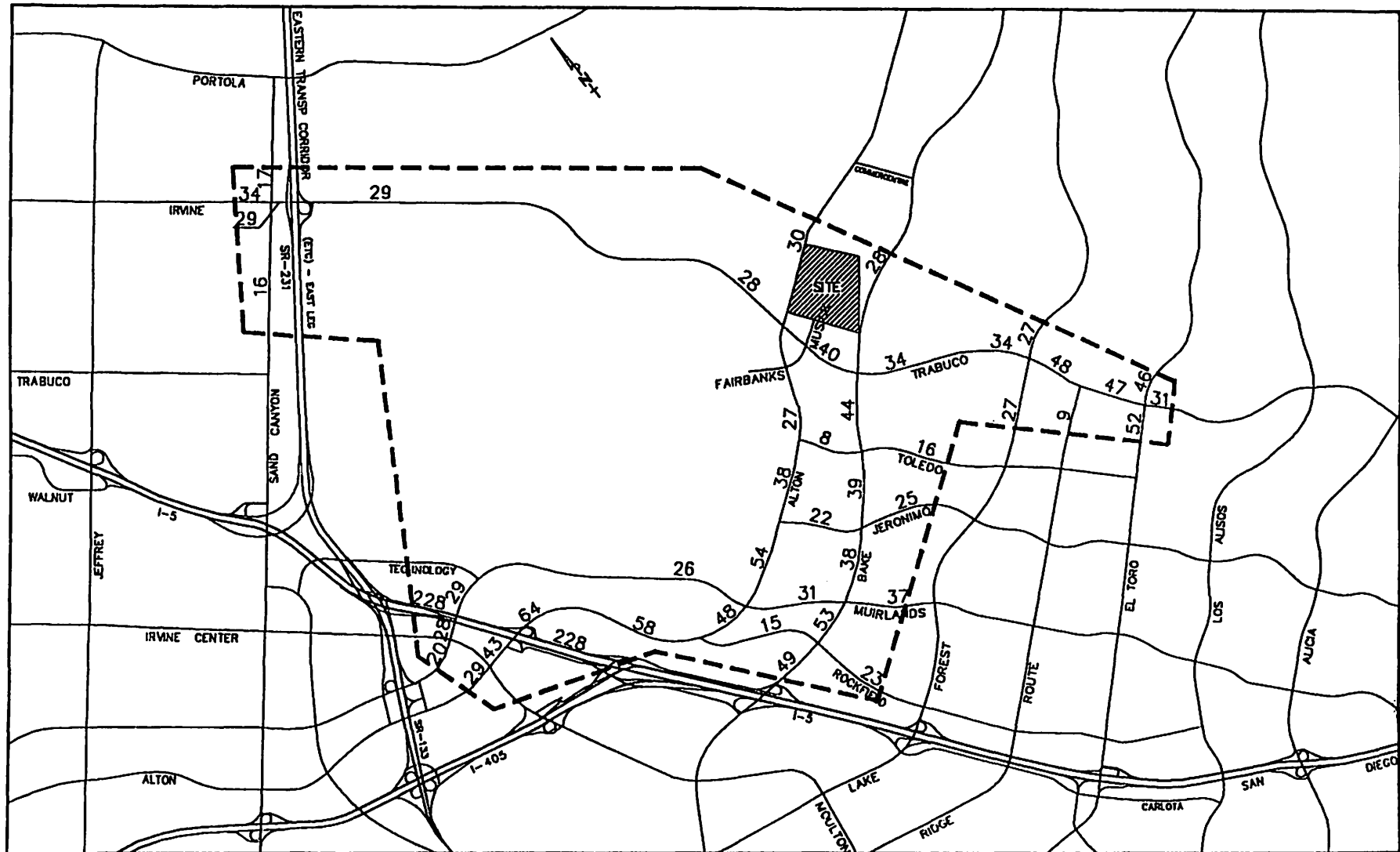
The highway link volumes attributable to the project are the same as in the Musick Facility traffic report for August, 1996, and the only difference here is the set of base volumes to which the project increments are applied. As Table 5 indicates, the project measurably adds traffic to the cumulative impacts of the following deficient highway links:

- 1. Alton Parkway south of Rockfield
- 2. Alton Parkway north of Muirlands

However, the highway improvements required for the No Project Long-Range condition would mitigate the Musick Jail Expansion to acceptable V/C ratios.

The second scenario analyzed herein includes development and full occupancy of the El Toro CRP adopted by the Board of Supervisors which includes the aviation uses at El Toro MCAS. Exhibit 7 shows the long-range cumulative volumes with the Musick expansion and with the CRP. Link volumes and V/C ratios are summarized in Table 6, with the CRP and with and without the Musick Jail expansion.





#### LEGEND

----- Study area boundary

#### Exhibit 6

LONG-RANGE ADT VOLUMES  
-WITH MUSICK FACILITY  
& WITH EL TORO MCAS VACANT

Table 5

**LONG-RANGE VOLUME/CAPACITY RATIO SUMMARY  
WITH AND WITHOUT MUSICK FACILITY  
AND WITH EL TORO MCAS VACANT**

ROADWAY	LANES	CAPACITY	LONG-RANGE		LONG-RANGE WITH PROJECT		PROJECT
			VOLUME	V/C	VOLUME	V/C	V/C CONTR
IRVINE (CITY/SPHERE)							
Alton w/o Irvine Center	6	54,000	29,000	.54	29,000	.54	.00
Alton w/o I-5	6	54,000	43,000	.80	43,000	.80	.00
Alton e/o I-5	8	72,000	62,000	.86	64,000	.89	.03
Alton s/o Rockfield	6	54,000	56,000	1.04*	58,000	1.07*	.03
Alton s/o Muirlands	6	54,000	46,000	.85	48,000	.89	.04
Alton n/o Muirlands	6	54,000	52,000	.96*	54,000	1.00*	.04
Alton n/o Jeronimo	6	54,000	36,000	.67	38,000	.70	.03
Alton n/o Toledo	6	54,000	25,000	.46	27,000	.50	.04
Alton n/o Trabuco	6	54,000	30,000	.56	30,000	.56	.00
Bake n/o I-5	8	72,000	48,000	.67	49,000	.68	.01
Bake n/o Rockfield	8	72,000	52,000	.72	53,000	.74	.02
Barranca w/o Irvine Center	4	20,000	20,000	.62	20,000	.62	.00
Barranca w/o I-5	4	28,000	28,000	.67	28,000	.67	.00
Barranca e/o I-5	4	29,000	29,000	.69	29,000	.69	.00
Barranca w/o Alton	4	26,000	26,000	.81	26,000	.81	.00
Irvine w/o Sand Canyon	6	34,000	34,000	.63	34,000	.63	.00
Irvine e/o Sand Canyon	6	54,000	29,000	.54	29,000	.54	.00
Irvine e/o ETC East Leg¹	6	54,000	28,000	.52	29,000	.54	.02
Irvine w/o Alton¹	6	54,000	27,000	.50	28,000	.52	.02
Irvine e/o Alton¹	6	54,000	38 000	.70	40,000	.74	.04
Jeronimo e/o Alton	4	32,000	22,000	.69	22,000	.69	.00
Muirlands e/o Alton	4	32,000	31,000	.97*	31,000	.97*	.00
Sand Canyon n/o Trabuco	6	54,000	16,000	.30	16,000	.30	.00
Sand Canyon n/o Irvine	4	32,000	17,000	.53	17,000	.53	.00
Toledo e/o Alton	4	28,000	8,000	.29	8,000	.29	.00
IRVINE/LAKE FOREST							
Bake n/o Muirlands	6	54,000	37,000	.68	38,000	.70	.02
Bake n/o Jeronimo	6	54,000	38,000	.70	39,000	.72	.02
Bake n/o Toledo	6	54,000	43,000	.80	44,000	.81	.01
Rockfield e/o Bake	4	32,000	23,000	.72	23,000	.72	.00
LAKE FOREST							
Bake n/o Trabuco	4	37,500	28,000	.75	28,000	.75	.00
El Toro n/o Toledo¹	8	75,000	52,000	.69	52,000	.69	.00
El Toro n/o Trabuco¹	6	56,300	46,000	.82	46,000	.82	.00
Jeronimo e/o Bake	4	37,500	25,000	.67	25,000	.67	.00
Lake Forest n/o Toledo	6	56,300	27,000	.48	27,000	.48	.00
Lake Forest n/o Trabuco	6	56,300	27,000	.48	27,000	.48	.00
Muirlands e/o Bake	4	37,500	37,000	.99*	37,000	.99*	.00
Rockfield e/o Alton	4	32,000	15,000	.47	15,000	.47	.00
Rockfield e/o Bake	4	32,000	23,000	.72	23,000	.72	.00

(Continued)

Table 5 (cont)  
**LONG-RANGE VOLUME/CAPACITY RATIO SUMMARY  
 WITH AND WITHOUT MUSICK FACILITY  
 WITH EL TORO MCAS VACANT**

ROADWAY	LANES	CAPACITY	LONG-RANGE		LONG-RANGE WITH PROJECT		PROJECT
			VOLUME	V/C	VOLUME	V/C	V/C CONTR
LAKE FOREST (cont)							
Toledo e/o Bake	4	25,000	16,000	.64	16,000	.64	.00
Trabuco e/o Bake <sup>1</sup>	6	56,300	34,000	.60	34,000	.60	.00
Trabuco w/o Lake Forest <sup>1</sup>	6	56,300	34,000	.60	34,000	.60	.00
Trabuco e/o Lake Forest <sup>1</sup>	6	56,300	48,000	.85	48,000	.85	.00
Trabuco e/o Ridge Route <sup>1</sup>	6	56,300	47,000	.83	47,000	.83	.00
Trabuco e/o El Toro	6	56,300	31,000	.55	31,000	.55	.00

<sup>1</sup> Included on the Congestion Management Plan (CMP) highway network

\* Exceeds the established level of service performance standard (LOS "D" for non-CMP roadways, LOS "E" for CMP roadways)

Level of service ranges:

- .00 - .60 A
- .61 - .70 B
- .71 - .80 C
- .81 - .90 D
- .91 - 1.00 E
- Above 1.00 F



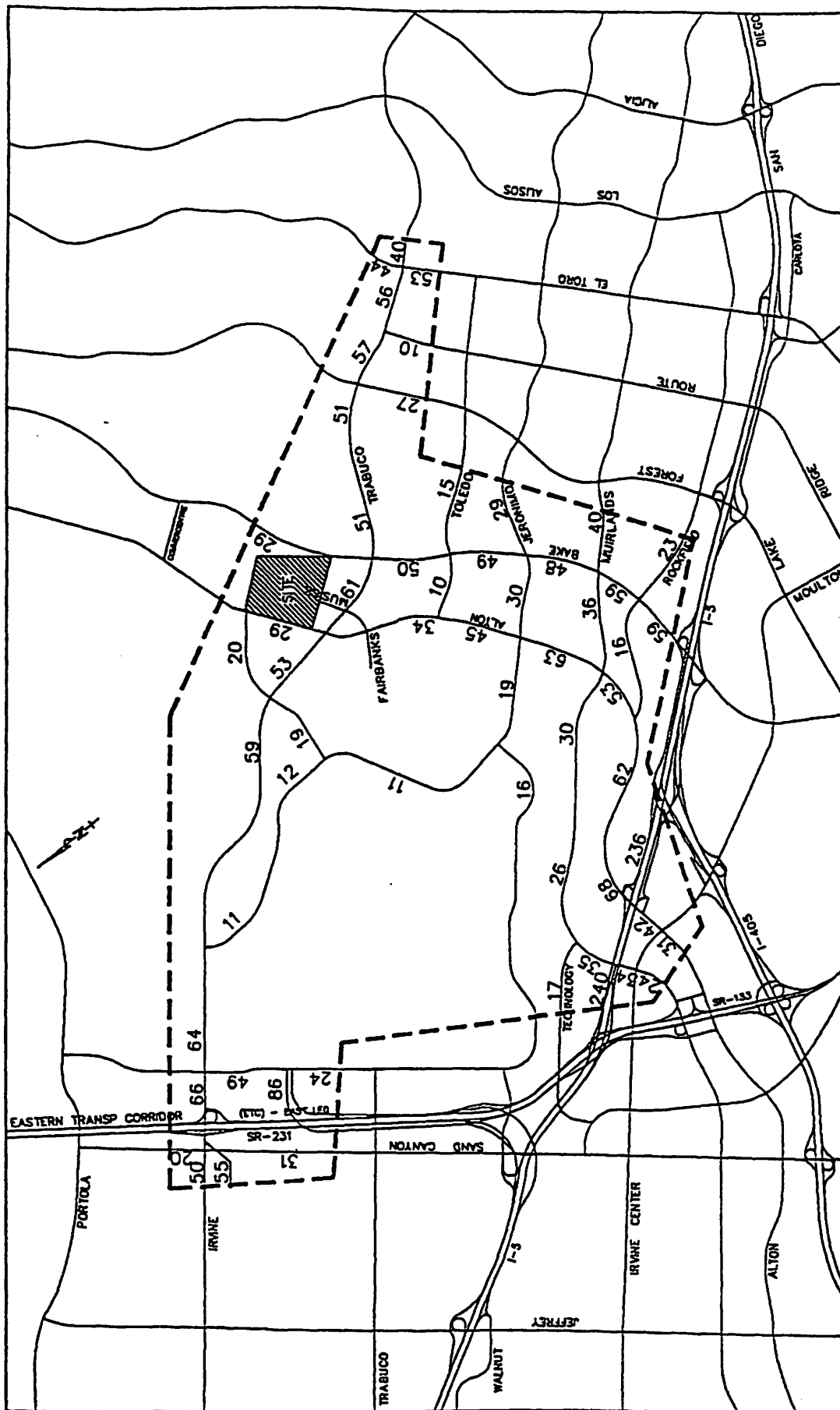


Exhibit 7

LONG-RANGE ADT VOLUMES  
WITH MUSICK FACILITY  
& WITH EL TORO CRP

LEGEND

--- Study area boundary

Table 6

**LONG-RANGE VOLUME/CAPACITY RATIO SUMMARY  
WITH AND WITHOUT MUSICK FACILITY  
AND WITH EL TORO CRP**

	LANES	CAPACITY	LONG-RANGE VOLUME	V/C	LONG-RANGE WITH PROJECT VOLUME	V/C	PROJECT V/C CONTR
<b>IRVINE (CITY/SPHERE)</b>							
Alton w/o Irvine Center	6	54,000	31,000	.57	31,000	.57	.00
Alton w/o I-5	6	54,000	42,000	.78	42,000	.78	.00
Alton e/o I-5	8	72,000	66,000	.92*	68,000	.94*	.02
Alton s/o Rockfield	6	54,000	60,000	1.11*	62,000	1.15*	.04
Alton s/o Muirlands	6	54,000	51,000	.94*	53,000	.98*	.04
Alton n/o Muirlands	6	54,000	61,000	1.13*	63,000	1.17*	.04
Alton n/o Jeronimo	6	54,000	43,000	.80	45,000	.83	.03
Alton n/o Toledo	6	54,000	32,000	.59	34,000	.63	.04
Alton n/o Trabuco	6	54,000	29,000	.54	29,000	.54	.00
Bake n/o I-5	8	72,000	58,000	.81	59,000	.82	.01
Bake n/o Rockfield	8	72,000	58,000	.81	59,000	.82	.01
Barranca w/o Irvine Center	4	32,000	24,000	.75	24,000	.75	.00
Barranca w/o I-5	4	42,000	34,000	.81	34,000	.81	.00
Barranca e/o I-5	4	42,000	35,000	.83	35,000	.83	.00
Barranca w/o Alton	4	32,000	30,000	.94*	30,000	.94*	.00
Irvine w/o Sand Canyon	6	54,000	50,000	.93	50,000	.93	.00
Irvine e/o Sand Canyon	6	54,000	55,000	1.02*	55,000	1.02*	.00
Irvine e/o ETC East Leg <sup>1</sup>	6	54,000	65,000	1.20*	66,000	1.22*	.02
Irvine w/o Alton <sup>1</sup>	6	54,000	58,000	1.07*	59,000	1.09*	.02
Irvine e/o Alton <sup>1</sup>	6	54,000	52,000	.96	54,000	1.00*	.04
Jeronimo e/o Alton	4	32,000	30,000	.94*	30,000	.94*	.00
Muirlands e/o Alton	4	32,000	36,000	1.12*	36,000	1.12*	.00
Sand Canyon n/o Trabuco	6	54,000	31,000	.57	31,000	.57	.00
Sand Canyon n/o Irvine	4	32,000	20,000	.37	20,000	.37	.00
Toledo e/o Alton	4	28,000	10,000	.36	10,000	.36	.00
<b>IRVINE/LAKE FOREST</b>							
Bake n/o Muirlands	6	54,000	47,000	.87	48,000	.89	.02
Bake n/o Jeronimo	6	54,000	48,000	.89	49,000	.91*	.02
Bake n/o Toledo	6	54,000	49,000	.91*	50,000	.93*	.02
Rockfield e/o Bake	4	32,000	23,000	.72	23,000	.72	.00
<b>LAKE FOREST</b>							
Bake n/o Trabuco	4	37,500	29,000	.77	29,000	.77	.00
El Toro n/o Toledo <sup>1</sup>	8	75,000	53,000	.71	53,000	.71	.00
El Toro n/o Trabuco <sup>1</sup>	6	56,300	44,000	.78	44,000	.78	.00
Jeronimo e/o Bake	4	37,500	29,000	.77	29,000	.77	.00
Lake Forest n/o Toledo	6	56,300	27,000	.48	27,000	.48	.00
Lake Forest n/o Trabuco	6	56,300	28,000	.50	28,000	.50	.00
Muirlands e/o Bake	4	37,500	40,000	1.07*	40,000	1.07*	.00
Rockfield e/o Alton	4	32,000	16,000	.50	16,000	.50	.00
Rockfield e/o Bake	4	32,000	23,000	.72	23,000	.72	.00

(Continued)

Table 6 (cont)  
LONG-RANGE VOLUME/CAPACITY RATIO SUMMARY  
WITH AND WITHOUT MUSICK FACILITY  
AND WITH EL TORO CRP

	LANES	CAPACITY	LONG-RANGE		LONG-RANGE WITH PROJECT		PROJECT V/C CONTR
			VOLUME	V/C	VOLUME	V/C	
<b>LAKE FOREST (cont)</b>							
Toledo e/o Bake	4	25,000	15,000	.60	15,000	.60	.00
Trabuco e/o Bake <sup>1</sup>	6	56,300	51,000	.91	51,000	.91	.00
Trabuco w/o Lake Forest <sup>1</sup>	6	56,300	51,000	.91	51,000	.91	.00
Trabuco e/o Lake Forest <sup>1</sup>	6	56,300	57,000	1.01 *	57,000	1.01 *	.00
Trabuco e/o Ridge Route <sup>1</sup>	6	56,300	56,000	.99	56,000	.99	.00
Trabuco e/o El Toro	6	56,300	40,000	.71	40,000	.71	.00

<sup>1</sup> Included on the Congestion Management Plan (CMP) highway network

\* Exceeds the established level of service performance standard (LOS "D" for non-CMP roadways, LOS "E" for CMP roadways)

Level of service ranges:

- .00 - .60 A
- .61 - .70 B
- .71 - .80 C
- .81 - .90 D
- .91 - 1.00 E
- Above 1.00 F

In summary, under the Long-Range cumulative conditions and utilizing the performance criteria outlined above, the Musick Facility expansion would cumulatively impact the following roadway links as shown below:

**Table 7**  
**Impacted Roadway Links**  
**Long-Range Cumulative Conditions**

LOCATION	WITHOUT EL TORO CRP	WITH EL TORO CRP
Alton e/o I-5	No	Yes
Alton s/o Rockfield	Yes	Yes
Alton s/o Muirlands	No	Yes
Alton n/o Muirlands	Yes	Yes
Irvine e/o ETC East Leg	No	Yes
Irvine w/o Alton	No	Yes
Irvine e/o Alton	No	Yes
Bake n/o Jeronimo	No	Yes
Bake n/o Toledo	No	Yes

## ETRPA Non-Aviation Reuse Plan for MCAS-El Toro

The ETRPA Non-Aviation Plan for MCAS El Toro includes land uses which are quantified in trip generation terms in the ETRPA MCAS El Toro Reuse Plan Program (February 23, 1998). The trip generation for that plan compares with the CRP as follows:

**Table 8**  
**CRP and Non-Aviation Plan Trip Summary**

ADT Trip Generation Summary	
CRP	305,240 Vehicle Trips Per Day
Non-Aviation Plan	345,284 Vehicle Trips Per Day

As can be seen, the order-of-magnitude trip generation is similar, the ETRPA Non-Aviation Plan being somewhat higher (around 13 percent). Hence, the results of a cumulative analysis with respect to the ETRPA Non-Aviation Plan, in general, would be similar to the results reached in this study with regard to the El Toro CRP. Therefore, no additional analysis of the cumulative traffic impacts of the ETRPA Non-Aviation Plan is provided.

### Mitigation Measures

#### Interim Conditions

For the Interim conditions, the Project would measurably contribute traffic impacts to two deficient highway links -- Alton Parkway south of Muirlands and Alton Parkway north of Muirlands. Alton Parkway south of Muirlands would be deficient, and therefore require mitigation, with or without the Project. The mitigation measure required to be undertaken for the No Project condition (i.e., add/stripe an additional travel lane) would also serve to fully mitigate the Project contribution to the cumulative impact on this link. The Project (without the El Toro CRP) would have a cumulative adverse impact on Alton Parkway north of Muirlands, before mitigation. The El Toro CRP would increase the deficient condition on both these links and require mitigation with or without the Project. Finally, the CRP would result in deficient v/c conditions on Alton Parkway south of Rockfield, but the project would not result in a cumulatively deficient v/c condition.

With respect to Alton Parkway south of Rockfield, in light of the limited impacts directly attributable to the Jail expansion project it is beyond the scope of this document to design and implement a mitigation program for traffic impacts which may result from implementation of the El Toro Reuse Plan -- that responsibility lies with the Reuse Plan. In that regard, the El Toro Reuse Plan "first-tier" EIR committed to undertake specific traffic mitigation at the airport master plan project level. (See, Final Reuse Plan EIR, pages

4-159 - 4-159A.) A second tier EIR is being prepared for the airport master plan project, and is scheduled for circulation in the summer of 1999. As part of that EIR, a more detailed traffic impacts analysis will be conducted. While the County cannot predict which mitigation measures will be proposed until that study is completed, all appropriate project-specific traffic mitigation will be adopted for that project.

#### Mitigation Measure

8. Prior to the full implementation of Phase I of the Jail expansion, the Director, Public Facilities and Resources Department shall enter into an agreement with the City of Irvine to design and complete improvements required to Alton Parkway south of Muirlands and north of Muirlands including the payment of the fair share costs of the Project. If agreement by the City is unreasonably withheld, the County shall complete these improvements which are within its authority to complete.

#### Long-Range Conditions

The Project (without the El Toro CRP) would contribute measurable traffic resulting in a deficient condition on two links -- Alton Parkway south of Rockfield and Alton Parkway north of Muirlands. The El Toro CRP would increase the deficient condition on both these links and require mitigation with or without the Project.

With respect to those intersections impacted as a result of the El Toro CRP, as noted above, in light of the limited impacts directly attributable to the Jail expansion project it is beyond the scope of this document to design and implement a mitigation program for traffic impacts which may result from implementation of the El Toro Reuse Plan -- that responsibility lies with the Reuse Plan. In that regard, the El Toro Reuse Plan "first-tier" EIR committed to undertake specific traffic mitigation at the airport master plan project level. (See, Final Reuse Plan EIR, pages 4-159 - 4-159A.) A second tier EIR is being prepared for the airport master plan project, and is scheduled for circulation in the summer of 1999. As part of that EIR, a more detailed traffic impacts analysis will be conducted. While the County cannot predict which mitigation measures will be proposed until that study is completed, all appropriate project-specific traffic mitigation will be adopted for that project.

#### Mitigation Measure

9. Prior to the full implementation of Phase III of the Jail expansion, the Director, Public Facilities and Resources Department shall enter into an agreement with the City of Irvine to design and complete improvements required to Alton Parkway south of Rockfield and north of Muirlands including the payment of the fair share costs of the Project. If agreement by the City is unreasonably withheld, the County shall complete these improvements which are within its authority to complete.

### Level of Impacts After Mitigation

The cumulative traffic impacts of the Project are individually small and limited to two highway links in the Interim Condition (without the El Toro CRP) and two links in the long-range condition (without the El Toro CRP). For the "without El Toro CRP" conditions, mitigation measures are proposed which would reduce the Project's cumulative traffic impacts to acceptable levels. Therefore, the Project would have no residual adverse impacts. The mitigation measures required for the Project would be required for the cumulative traffic impacts of the El Toro CRP in both the interim and long-range condition. Significantly, whether or not the Project was constructed (i.e., with or without the Project), the El Toro CRP would require, coincidentally, the mitigation of all the deficient links measurably impacted by the Project.

### Air Quality

#### Introduction

In its Statement of Decision, page 14, rendered February 27, 1998, the Court found EIR 564 to be "deficient in its discussions and disclosures relating to air quality [cumulative impacts]." The discussions and disclosures which follow were prepared in direct response to the Court's ruling.

CEQA requires that a cumulative impacts analysis consider the impacts of the proposed project along with "past, present and reasonably anticipated future projects producing related or cumulative impacts. . . ." CEQA Guidelines §15130. The air quality impacts analysis conducted for the Jail expansion project in EIR 564 considered not only the traffic and corresponding air quality impacts for the Jail project, it also assumed a growth rate commensurate with the expected number and size of projects in the surrounding cities of Irvine and Lake Forest. Therefore, in order to consider the cumulative air quality impacts of the Jail expansion project, it is necessary only to consider the MCAS El Toro Reuse Plan. This analysis will also offer comparisons to the ETRPA Non-Aviation alternative to the extent data regarding that alternative is available.

#### Cumulative Air Quality Impact Discussion for Musick Jail Expansion

The following discussion is in accord with the September 1, 1998 letter from Mestre Greve Associates included as Appendix K.

The discussion of cumulative air quality impacts can be divided into local and regional impacts. Local air impacts are concerned with high pollutant concentrations directly adjacent to a source. Common sources of local air quality problems are congested roadways, major freeways, power plants and other industrial sources. Regional air quality is driven by pollutants emitted throughout a large portion of the air basin. These pollutants mix together, travel downwind, chemically react, and after several hours or even days result in the

pollutants of regional concern. The most notable regional pollutant in the South Coast Air Basin is ozone. Ozone is not directly emitted, but rather is a product of the chemical reactions between hydrocarbons and nitrogen oxides.

#### Cumulative Local Air Quality Impacts

As documented in the air quality analysis for the Musick Jail Expansion ("Air Quality Assessment for Musick Jail Expansion," by Mestre Greve Associates, August 16, 1996) the project has no potential for generating cumulative local air impacts. The traffic associated with the project is very low and will not contribute significantly to the pollutant burden on the nearby roadways. The central plant, kitchen facility and laundry facility will not generate significant levels of emissions of local concern and will be regulated by the South Coast Air Quality Management District (SCAQMD).

The environmental analysis for the El Toro Community Reuse Plan ("Orange County EIR 563" or "the Reuse EIR") showed that the project has the potential for generating *local air* impacts near the ends of the airport runways and at a few isolated intersections. Of the 10 intersections assessed for the Reuse EIR with respect to carbon monoxide emissions, only one intersection (*i.e.*, Bake Parkway and Trabuco Road) was forecasted to exceed the federal ambient air quality standards by the year 2020. (EIR 563 Table 4-72.) The 8-hour concentration forecasted in the Reuse EIR was 6.2 ppm for the No Project condition and 9.0 ppm with the Reuse Plan. (The federal ambient air quality standard for 8-hour CO is 9.0 ppm.) The jail facility could add an additional 0.08 ppm to this concentration which would be considered insignificant. The SCAQMD's "CEQA Handbook" identifies the significance threshold for CO concentrations to be 0.45 ppm (for the 8-hour standard). The 0.08 increase is well below the SCAQMD significance threshold.

#### Cumulative Regional Impacts

The South Coast Air Basin includes Los Angeles, Orange and the non-desert portions of San Bernardino and Riverside Counties. Mountains bound the air basin on the north, east and south. The prevailing onshore ocean breezes stop pollutants from traveling to the west. During most of the year a strong inversion layer at around 3,000 feet above sea level stops pollutants from traveling any higher, acting like a lid on a pot. The fact that we live in a "pot" which so effectively traps air pollutants is the single greatest reason that this air basin has the worst air quality in the nation. The number of people living here, the number of industries, the dependence on the automobile all contribute to the problem; but without the mountains and the strong inversion our air pollution problems would be no greater than most other urban areas in this nation.

Thermal currents below 3,000 feet provide vertical mixing within the "pot" that comprises the air basin. The ocean driven air flow provides horizontal mixing. The air pollutants that are released in Orange County are mixed with those released in Los Angeles, San



Bernardino and Riverside Counties, and all affect the final concentrations of ozone, nitrogen oxides and particulates that the residents of Orange County eventually breathe.

There are no good analytical tools to determine the impact of a single project or even a group of projects on the concentrations of regional air pollutants. There is no supportable technique for determining what effect the *pounds* of pollutants that a project or projects will generate will have on the *concentrations* of regional pollutants that we eventually breathe.

The regional air quality of the South Coast Air Basin has improved substantially over the last 20 years despite the increase in people living here. The Air Quality Management Plan ("AQMP") has been the guiding document for the battle to improve the regional air quality. The AQMP contains forecasts of population, employment, travel and housing, as well as projections of air pollution and the measures necessary to achieve the air quality standards as dictated by State and Federal law. The AQMP projects a continued improvement in air quality in future years.

The determination of a project's impact on the regional air quality is gauged by its consistency with the AQMP. If a project will result in more air pollutants being released into the basin than is projected in the AQMP, then the basin may not attain its air goals, and the project is considered to have a significant impact on regional air quality. If a project results in a level of emissions that is the same or lower than those contained in the AQMP, then the air quality levels will continue to improve. That is, the future case with project will result in regional air quality that is better than the existing air quality when the project has emissions consistent or below those forecasted in the AQMP.

The South Coast Air Quality Management District ("SCAQMD") and the Southern California Association of Governments ("SCAG") have the task to periodically estimate the pollutant emissions released and forecasted to be released in the air basin as part of the planning for the AQMP. The existing regional emissions are derived from the data contained in the "Final 1994 Air Quality Management Plan" (September 1994). Table 3-2A of the AQMP presents a summary of the inventory for year 1990, and Table 3-5A presents similar data for year 1996. This data was interpolated to derive the existing regional emissions presented in the table below.

Likewise, the AQMP contains the only comprehensive forecast of emissions for future years. The data contained in the portion of the table entitled, "Future Regional Emissions Consistent with AQMP" comes from Tables 4-15, 4-16 and 4-17 of the AQMP. These tables contained in the AQMP represent forecasts for the year 2010. The 2010 forecasts represent the most chronologically distant forecasts available for the region. This analysis conducted for this project assumes that the level of emissions forecasted for year 2010 would be the same for year 2020. The emissions listed are roughly those needed for the air basin to come into compliance with the federal ambient air quality standards. Further reductions would not be necessary, while increases above these levels could result in not achieving the federal air standards, and would require further measures to assure that the 2010 forecast



levels are maintained. Therefore, the assumption that the basin would maintain the 2010 levels to the year 2020 is reasonable.

The AQMP is used as the starting point for the assessment of cumulative impacts. As shown on Table 9 below, two scenarios are considered. The first scenario assumes that a commercial airport is constructed and operated at El Toro with approximately 38 million air passenger ("MAP") pursuant to the approved Community Reuse Plan (*i.e.*, Alternative A). Under the first scenario, the increase due to the jail expansion project is added to the resulting regional emissions. The second scenario shown on Table 1, below, assumes that nothing will be constructed or operated on the El Toro military base site. Again, the increase in emissions due to the jail expansion is then added to background emissions.

As to the first scenario, the AQMP forecasts made by SCAG and the SCAQMD assumed that El Toro would still be operating as a military air base for the forecast years. Because the military aircraft operations associated with El Toro would be relocated to air stations outside of the South Coast Air Basin, the emissions associated with these military aircraft operations were subtracted from the AQMP future regional emissions. Analyses conducted by SCAG and P&D Aviation for the El Toro Reuse Plan EIR indicate that operating El Toro as a commercial airport would not change the regional totals for commercial operations. In fact, SCAG forecasts assume that the commercial operations would occur with or without an El Toro commercial airport. That is, El Toro as a commercial airport would act to redistribute operations from other airports within the air basin as opposed to generating new flights. Therefore, no adjustment is made in the regional forecast for commercial aircraft operations for any of the project alternatives. As to motor vehicle emissions, Table 9 shows a decrease in motor vehicle emissions, since passengers will have to travel a shorter distance to reach the El Toro commercial airport. Finally, the emissions associated with the jail expansion are added to obtain the regional total.

Under this second scenario, the El Toro military aircraft operations would still be relocated outside of the South Coast Air Basin and, therefore, the emissions associated with these military aircraft operations were subtracted from the AQMP future regional emissions. This scenario would have no effect on the commercial aircraft operations in the air basin, and, therefore, no adjustments were made in this category. Motor vehicle emissions for the no development scenario would decrease due to the removal of vehicular travel associated with the El Toro military operations, and these emissions, therefore, are subtracted. Each of these adjustments are then combined to obtain the regional forecast for the no development scenario. The jail expansion emissions are then added to obtain the total regional emissions.

As can be seen in Table 9, the regional emissions for all future scenarios are anticipated to decrease substantially over the 25-year span. Cleaner motor vehicles, implementation of adopted air regulations and additional control measures contained in the AQMP result in the future year emissions to be substantially lower than existing conditions.

**Table 9**  
**Cumulative Regional Emissions (Pounds Per Day)**

Source	CO	HC	NOx	Part.	SOx
<b>Existing (Year 1995) Regional Emissions</b>					
Total Emissions	10,622,000	2,290,000	2,178,000	1,774,000	218,000
<b>Future (Year 2020) Regional Emissions Consistent With AQMP</b> (AQMP Assumes Continued Operations of El Toro as a Military Base)					
Total Emissions	3,514,000	626,000	580,000	1,502,000	108,000
<b>Reuse Plan With Commercial Airport (2020) Plus Jail Expansion</b>					
Decrease due to Military Aircraft Ops.	-4581	-645	-943	-64	-16
Increase/Decrease due to Commercial Aircraft Ops.	0	0	0	0	0
Decrease due to Motor Vehicle Emissions	-22	-3	-6	-1	-1
Increase due to Jail Expansion	356	49	162	23	17
Year 2020 Regional Emissions	3,509,753	625,401	579,213	1,501,958	108,000
Consistent with AQMP?	Yes	Yes	Yes	Yes	Yes
<b>No Development at the El Toro Base (2020) Plus Jail Expansion</b>					
Decrease due to Military Aircraft Ops.	-4581	-645	-943	-64	-16
Increase/Decrease due to Commercial Aircraft Ops.	0	0	0	0	0
Decrease due to Motor Vehicle Emissions	-1511	-157	-479	-120	-52
Increase due to Jail Expansion	356	49	162	23	17
Year 2020 Regional Emissions	3,503,661	624,599	577,791	1,501,774	107,932
Consistent with AQMP?	Yes	Yes	Yes	Yes	Yes

The cumulative totals for both the Reuse Plan Plus Jail scenario and the No Development at El Toro Plus Jail scenario are below the AQMP projections. Removal of the military operations from the air basin results in a significant reduction in emissions for the air basin. The Reuse Plan Plus Jail scenario also reduces motor vehicle emissions slightly, and the No Development at El Toro Plus Jail scenario reduces motor vehicle emissions significantly. The reduction in emissions that would occur under either of the two scenarios more than offsets the emissions increase due to the jail expansion. Therefore, there will not be any cumulative regional impacts due to the combination of either the El Toro Reuse Plan or No Development Plan plus the proposed jail expansion.

The analysis in Table 9 uses the AQMP regional emissions projections and the analysis contained in the Reuse Plan EIR to determine if the cumulative regional emissions are consistent with the AQMP. This is the correct approach since the AQMP projections and the Reuse Plan EIR confirm that the Reuse Plan will not generate additional commercial aircraft operations in the region, and will also result in a reduction in motor vehicle emissions. However, the legal adequacy of this approach is the subject of on-going litigation in San Diego Superior Court before the Honorable Judith McConnell (*El Toro Reuse Planning Authority, et al. v. Board of*

*Supervisors for the County of Orange, et al.*, Consolidated Case No. 710121). Therefore, an alternative approach is provided below.<sup>14</sup>

This alternative approach assumes that the Reuse Plan will service 23.3 MAP more than could otherwise be serviced by the region's existing and planned airport capacity. Under this approach, as shown on Table 10, military operations at El Toro are removed from the air basin with a corresponding decrease in emissions. To reflect the increase in air passengers, the emissions attributable to commercial aircraft operations and motor vehicle emissions are added to the projected AQMP total emissions. Finally, increases in emissions due to the jail expansion project are also reflected.

**Table 10**  
**Cumulative Regional Emissions (Pounds Per Day) Assuming Additional 23.3 MAP**

Source	CO	HC	NOx	Part.	SOx
<b>Existing (Year 1995) Regional Emissions</b>					
Total Emissions	10,622,000	2,290,000	2,178,000	1,774,000	218,000
<b>Future (Year 2020) Regional Emissions Consistent With AQMP</b> (AQMP Assumes Continued Operations of El Toro as a Military Base)					
Total Emissions	3,514,000	626,000	580,000	1,502,000	108,000
<b>Reuse Plan With Commercial Airport Assuming Additional 23.3 MAP Plus Jail Expansion</b>					
Decrease due to Military Aircraft Ops.	-4581	-645	-943	-64	-16
Increase due to Commercial Aircraft Ops.	15,278	3,126	9,059	70	246
Increase due to Motor Vehicle Emissions	6,579	684	2,084	521	228
Increase due to Jail Expansion	356	49	162	23	17
Year 2020 Regional Emissions	3,531,632	629,214	590,362	1,502,550	108,475
Consistent with AQMP?	No	No	No	No	No

As shown in Table 10, using this approach, the cumulative emissions due to a commercial airport and the jail expansion exceed AQMP forecasts and result in significant cumulative regional emissions. Obviously, however, the airport operating and related vehicle trips at El Toro represent the bulk of the emission increases.

<sup>14</sup> The County is presently preparing a supplemental analysis to the Reuse Plan EIR which responds to the San Diego Superior Court rulings in the pending litigation. This supplemental analysis will include an air quality analysis addressing in further detail the regional air quality impacts associated with the El Toro Community Reuse Plan. This supplemental analysis will be completed and circulated for public review and comment later this year. The analysis in this document is based upon the best information available at the time this analysis was completed.

### Cumulative Mitigation Measures

The impacts directly attributable to the project are limited to an increase in NOx emissions which cause the project to exceed applicable thresholds of significance. The mitigation measures already incorporated into the project and recommended by the EIR would reduce NOx emissions generated by the project to the maximum extent practicable, but would not reduce them to a level below significant. As to cumulative impacts, under the approach which assumes that commercial aircraft operations are simply redistributed throughout the region and motor vehicle emissions are reduced due to the reduction of vehicle trips associated with the location of an airport El Toro (*see*, Table 9), there are no significant cumulative impacts, the project is consistent with AQMP projections and no mitigation measures are required.

However, under the alternative approach conducted in relation to the pending litigation (Table 10), the cumulative air quality impacts exceed AQMP projects for the air basin and, therefore, are significant. In terms of mitigation, the consideration of air quality mitigation measures for airports is an extremely complex subject, one that must address operational, economic and environmental concerns unique to aviation projects. In light of the limited impacts directly attributable to the Jail expansion project, it is beyond the scope of this document to design and implement a mitigation program for air quality impacts which may result with implementation of the El Toro Reuse Plan -- that responsibility lies with the Reuse Plan. In that regard, the Reuse Plan EIR committed to specific mitigation at the airport master plan project level. (*See*, Final Reuse Plan EIR, pages 4-332 - 4-333.) A second tier EIR is being prepared for the airport master plan project, and is scheduled for circulation in the summer of 1999. As part of that EIR, a more detailed air quality impacts analysis will be conducted. While the County cannot predict which mitigation measures will be proposed until that study is completed, all appropriate project-specific air quality mitigation will be adopted. In addition, in April 1998, the Orange County Board of Supervisors identified a "proposed project" (Concept "C") and the primary alternative (Concept "B") which would accommodate in 2020 approximately 24 million annual passengers (MAP) and 28 MAP, respectively.<sup>15</sup> This is in comparison to the 38 MAP contemplated in the El Toro Community Reuse Plan adopted in December 1996 and analyzed in the Reuse Plan EIR. This anticipated reduction in passenger service levels is expected to have a significant and approximately proportional reduction in vehicle and aircraft emissions which would lessen the identified cumulative air quality impacts.

### Public Services & Facilities

Public Services and Facilities are not affected in any unique way by the cumulative addition of the Jail expansion. The related projects which contribute to a cumulative impact scenario propose

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<sup>15</sup> On September 1, 1998, as this document is being printed, the Board of Supervisors is scheduled to consider for the first time proposed modifications to the non-aviation portions substantially open space (including some agriculture). This Airport and Open Space Plan is projected to reduce ADTs to 160,000.

mitigation measures which offset the impact which would otherwise occur to those services. For example, utility provider impacts - such as sewer and water extensions - are mitigated by extensions of delivery facilities to provide service - with the costs being borne by the project being served. This is the same case as with the Jail expansion.

Fire and paramedic services (law enforcement services are an integral part of the Jail, and the Saddleback station is proposed to be located immediately adjacent to the expansion) are similarly either provided for or are in a state where there is no impact. For example, with respect to fire services, the Orange County Fire Authority is a responsible agency with respect to review of the Jail design. The aim of the OCFA at all times is to influence jail design in a way that reduces the exposure to risk (i.e. interior automatic sprinkler systems, non-combustible materials, etc.). The OCFA's review on all jail projects ensures the feasibility of incorporating design and service changes without undue demands on the system.

In similar fashion, the County has consulted with the OCFA with respect to paramedic services. As reported in the "Revisions to Findings" chapter, there is no real constraint on paramedic services because there is little demand, and may well be less in the future. Table 11 below shows the number of calls for paramedics to the Musick Jail facility in the last 3 ½ years (1995 through mid-1998).

By contrast, data collected on paramedic responses for the years 1997 and 1998 to date (about 1 ½ years) show that there were 2,714 paramedic responses in the City of Lake Forest, and 5,789 in the City of Irvine. In view of the fact that during a period over twice that length there were only 54 paramedic responses to the 1,250 inmate Musick Jail, even a sixfold increase in inmate population would not create significant individual or cumulative impacts. (Appendix H)

Table 11

**Paramedic calls to Musick Jail Facility  
1995 - Mid 1998**

<b>CALLS BY SHIFT</b>		
<b>SHIFT</b>	<b>TIME</b>	<b>NUMBER</b>
Shift I	2230 - 0630	29
Shift II	0630 - 1430	12
Shift III	1430 - 2230	13
<b>TOTAL 54</b>		
<b>CALLS BY COMPLAINT</b>		
<b>COMPLAINT</b>	<b>NUMBER</b>	
Abdominal Pain	6	
Anxiety	1	
Back Pain	5	
Burns	1	
Chest Pain	10	
Contusion	1	
Convulsions	1	
Difficult Breathing	1	
Drug Withdrawal	1	
Dypnea	1	
Flu/Dehydration	4	
Fractured Leg/Ankle	2	
Head Injury	1	
Head Pain	1	
Hematoma	1	
High Blood Pressure	2	
Hyperventilation	2	
Pain Upper Torso	1	
Possible Heart Attack	1	
Seizure	7	
Stomach Pain	1	
Syncopal Episode	2	
Weakness	1	
<b>TOTAL</b>		<b>54</b>
<b>TRANSPORTED TO HOSPITAL</b>	<b>49</b>	
<b>NON-TRANSPORT</b>	<b>5</b>	
<b>TOTAL</b>		<b>54</b>

Furthermore, the Orange County Sheriff's Department has taken steps in concert with the Orange County Fire Authority since the original publication of Draft EIR 564 to further reduce paramedic calls. Appendix I contains letters from both the Orange County Fire Authority (OCFA) and the Orange County Health Care Agency (OCHCA) acknowledging the mitigating effects of nursing coverage for the 11:00 p.m. - 7:00 a.m. hours at the Musick Jail. This measure is scheduled for immediate implementation (9/15/98). The OCHCA letter also acknowledges the 480 bed medical unit in the expansion. OCFA's letter states in pertinent part:

"....the Orange County Fire Authority's two main concerns for the proposed Musick Jail expansion are fire and life safety and emergency medical services. I am convinced that with adequate built-in fire protection, which includes fully fire sprinklered occupancies and a fully staffed 480-bed medical unit, which would include nurse and doctor staff trained and capable of providing emergency medical treatment 24 hours a day, seven days a week, the impacts to the Orange County Fire Authority would be significantly reduced."

Therefore, the County concludes that there is no significant impact to emergency services, individual or cumulatively from the Musick Jail. To insure implementation, a mitigation measure is included to memorialize the commitment to nursing and emergency medical services during the 11:00 p.m. - 7:00 a.m. shift, where the highest number of calls is experienced.

The CEQA Guidelines require that the significant effects of a project be discussed with emphasis in proportion to their severity and probability of occurrence (§15143). Although the CEQA Guidelines acknowledge that the drafting of an EIR may necessarily involve some degree of forecasting, an agency is not expected to foresee the unforeseeable, and must use its best efforts to find out and disclose all it reasonably can (§15144). Some impacts may even be considered too speculative for evaluation (§15145).

Since the timing of the Musick Jail expansion is some time in the future, and since the actual degree of cumulative effects of very large projects like the Reuse Plan will not be precisely known for some time, it is difficult to identify a precise year when an impact may occur. This is primarily due to the low probability for potential impact (private development projects are treated on a "pay as you go"), and the Reuse EIR reports that public services will not be adversely affected by Alternative A (in part due to the self-sufficiency of the

airport environment in the area of fire and paramedics).<sup>16</sup> Therefore the County has endeavored not only to disclose all it reasonably can about the combined effects of the projects, but has also sought to mitigate emergency services effects to an insignificant level at the Musick Jail, so that the issue of combined effects does not come into play.

### **Conclusion**

The cumulative impact analysis shows that:

- 1) There is only one area of impact - traffic on four arterial links - which will occur if the Jail is built and the El Toro Reuse Plan is not implemented. This is a feature of the combined effect of the surrounding development in the cities of Irvine and Lake Forest. Because the jail traffic is less than the traffic for a typical business park development, and if the County elects to sell the Musick site (as suggested by the cities) for such business park development, the cumulative impacts will be worsened.<sup>17</sup>
- 2) The Jail expansion has a positive cumulative impact on agricultural resources due to its preservation of 40 acres of agricultural land on the base, which was not proposed in the El Toro Reuse Plan EIR.

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<sup>16</sup> An airport usually, because of its nature, possesses its own "fire department", and sometimes paramedic units. If the airport is not built and another type of development is built, that development will be required to provide assurance of the adequacy of its own level of services.

<sup>17</sup> Both cities - and others - have suggested that the Musick site has a valuable development potential as a business park. The proposal of these commenters is that the Musick site be sold for development, and that the proceeds be used for acquisition of a remote site for a jail expansion. Such a move would have the following cumulative impacts, which either do not occur or occur to a lesser degree with the proposed Jail expansion:

1. Increased traffic (particularly at peak hour);
2. Increased air quality impacts from more numerous vehicular emissions;
3. Loss of 22 acres of proposed agricultural use;
4. Loss of the preservation of 40 acres of agricultural land outside of the jail, since minimum security inmates could not reasonably be transported from a remote site(s) to work fields of that size.
5. Loss of all cultivated area and mapped prime farmlands on the Jail site.
6. Increase in virtually all impact categories due to the disturbance of a remote site and the building of infrastructure (e.g. roads, utilities, sewage, etc.) to service the remote site.



- 3) The Jail expansion has no cumulative effect on air quality because (a) the air quality issues involve vehicular and energy production emissions, which would be equivalent if the jail were located anywhere in the County; and (b) the Jail expansion produces no locally elevated emissions of significance.
- 4) The Jail has no individual or cumulative impact on public services due to (a) the fact that the Reuse Plan is self-supported with respect to all emergency-related services, (b) the fact that the jail itself does not exhaust water/sewer and other utility capacity which would otherwise be available, and (c) the County has committed to establishing self-support services for paramedics (see Chapters 5 & 7).

## 5. **REVISIONS TO FINDINGS**

### **Air Quality**

The discussion which follows addresses specifically the impacts of the Project attributable to NOx emissions, the effects of the proposed mitigation measures, and, the level of impact attributable to NOx emissions following mitigation.

As discussed in EIR 564, the Jail expansion Project will generate emissions attributable to motor vehicles, the combustion of natural gas for space heating and other uses. (EIR 564 p. 66.) Emissions will also be generated by the use of natural gas and oil for the generation of electricity off-site. (Ibid) These activities will result in the emissions of carbon monoxide, TOG/ROG, nitrogen oxides, PM10 and sulfur oxides. (EIR 564 p. 67.)

The total emissions projected to be generated directly by the Project, in pounds per day, as well as the applicable SCAQMD thresholds of significance, are depicted below:

**Table 12**  
**Total Emissions Generated by Project**

Contaminant	Carbon Monoxide	ROG	Nitrogen Oxides	PM10	Sulfur Oxide
Emissions (Pounds/Day)					
Musick Jail Expansion Project Total	356	49	162	23	17
SCAQMD Thresholds of Significance	550	55	55	150	150

Source: EIR 564, Table 11

Based on these projections, nitrogen oxides (NOx) emissions resulting directly from the Project will exceed the SCAQMD threshold of significance. The emissions of NOx for the jail expansion are forecasted to be 162 pounds per day, compared to the SCAQMD threshold of significance of 55 pounds per day. Accordingly, implementation of the jail expansion project will result in a significant impact attributable to NOx emissions.

EIR 564 mitigation measures 23 through 29 address the Project once it is in operation (as opposed to mitigation measures 1 through 22 which address impacts while the Project is under construction). About two-thirds of the NOx emissions are caused by vehicular traffic associated with the jail expansion, while the other one-third is due to off-site electrical generation. The mitigation measures are designed to minimize energy usage, reduce travel to and from the jail, encourage alternatives to the private automobile, and reduce traffic congestion.

Although NOx emissions would be reduced upon implementation of mitigation measures 23 through 29, it cannot be determined with any degree of accuracy just how much reduction would occur. However, it is certain that implementation of the mitigation measures would *not* reduce NOx emissions to a level below significant. The County is not aware of mitigation measures other than those discussed in EIR 564 that would reduce NOx emissions to acceptable levels and would be feasible. On that basis, the level of NOx emissions attributable to the Project remains significant after mitigation.

#### Fire Authority

As can be seen from Table 11, only 54 calls over a 3 ½ year period were experienced. This is a very small number of calls.<sup>18</sup> Additional information about the time and nature of the calls can be found in Appendix G.

What these data show is that (1) the number of calls are small, and (2) the calls are predominately during the late night hours, 10:30 p.m.- 6:30 a.m., when Health Care Agency (HCA) personnel are not on duty. Over one-half of the total calls occur in these hours. However, in discussions between the Sheriff's Department and the Health Care Agency, it has been determined that the Jail expansion will be staffed 24 hours a day by HCA. This means that very few, if any, paramedic calls will be necessary to the jail.

The close coordination which is necessary between the Sheriff's Department, the Fire Authority and the Health Care Agency insures that adequate services will be available on site. Nonetheless, a specific mitigation measure will be added to the findings (See Chapter 5 herein) to memorialize this commitment. The mitigation measure will read as follows:

#### Mitigation Measure

10. Prior to the full implementation of Phase 1 of the Jail expansion, and prior to the construction of each phase thereafter, the County Sheriff-Coroner shall present evidence to the County Executive Officer that the Orange County Health Care Agency or other qualified provider has provided onsite medical services sufficient to significantly reduce the need for paramedic calls to the Musick Jail facility. The Sheriff's staff shall work with the staff of the OCFA to insure that design and construction of any facility will meet any codified regulations dealing with fire protection and life safety. The Orange County Fire Authority shall concur in this determination in writing.

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<sup>18</sup> For example, the Orange County Fire Authority reports about 8,503 paramedic calls during 1997 and 1998 to date from the Lake Forest/Irvine area.

### **Other Public Services**

**Additional mitigation will be added as follows to reflect the County's public services commitment:**

- 11. Prior to completion of each phase of construction, the County of Orange shall coordinate with the Orange County Fire Authority regarding construction requirements to ensure fire safety and regarding demand, if any, for emergency medical services to ensure adequate provisions for life safety.**
- 12. Prior to completion of each phase of construction, the Orange County Sheriff-Coroner shall coordinate with the City of Lake Forest regarding law enforcement requirements to ensure adequate law enforcement protection for that jurisdiction.**

## **6. INVENTORY OF SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS**

- Loss of 33 acres of agriculturally mapped prime farmland
- Temporary loss of prime agricultural land during construction
- Possible future failure of intended conveyance to County of the 40 acres on the El Toro base for agricultural purposes<sup>19</sup>
- Impacts to four arterial links within the arterial highway system in the long-range condition
- Significant contributions of NOx after Phase 1 jail construction

Because there is a significant difference between the acreage mapped as “prime agricultural” by the Department of Conservation, and that actually being used for cultivation, there will always be a difference in the magnitude of impact. From an impacts standpoint, the County believes that it is a loss in what is being used which precipitates the most impact.

It could be argued that since about 25 acres of land sought in the conveyance is already under cultivation, it cannot be counted against the losses from the jail project, since no new land is being brought into cultivation. The County believes that this argument is without merit, in that CEQA allows mitigation to consist of a variety of strategies. §15370 defines “mitigation” as follows:

“Mitigation includes:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.”

Subsection (d) specifically provides for mitigation to include preservation actions, which is the aim of the request for conveyance.

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<sup>19</sup> This impact is pursuant to CEQA Guidelines §15091, within the jurisdiction and responsibility of another public agency and not the County of Orange.

## **7. INVENTORY OF MITIGATION MEASURES FOR RECIRCULATED PROVISIONS**

### **Agricultural Land**

#### **Mitigation Measure**

1. Prior to July 1, 1999, the County shall use all efforts to secure the conveyance of the 40 acres in the El Toro Reuse area to the Orange County Sheriff's Department for agricultural purposes. The Board of Supervisors, through the El Toro Master Development Program, shall insure that these lands, if made available by the Department of the Navy, will inure to the benefit of the Sheriff's Department for agricultural purposes.

For the purposes of this mitigation measure, the conveyance of these lands may occur in staged increments commensurate with the expansion of the jail, laundry, or Sheriff's station, so long as the amount of agricultural land lost on the jail site is offset by an equal or greater amount of land acquired for agricultural purposes in the immediate area.

This measure is to be overseen by the Board of Supervisors.

From the perspective of mapped land, there will be an absolute loss of 33 acres regardless of the implementation of the full Jail expansion plan. This impact cannot be offset and remains significant. In addition, if the County, despite its best efforts, is unable to obtain the 40-acre public benefit conveyance described in Mitigation Measure No. 1, above, the loss of land in cultivation on the Musick Jail site would remain significant.

### **Traffic**

#### **Interim Conditions**

For the Interim conditions, the Project would measurably contribute traffic impacts to two deficient highway links including Alton Parkway south of Muirlands and Alton Parkway north of Muirlands. Alton Parkway south of Muirlands would be deficient, and therefore require mitigation, with or without the Project; and the mitigation measure required for the No Project condition (i.e., add/stripe an additional travel lane) would mitigate the Project contribution also. Therefore, the Project (without the El Toro CRP) would have a cumulative adverse impact on one highway link, Alton Parkway north of Muirlands, before mitigation. The El Toro CRP would increase the deficient condition on both these links and require mitigation with or without the Project.

#### **Mitigation Measure**

2. Prior to the full implementation of Phase I of the Jail expansion, the Director, Public Facilities and Resources Department shall enter into an agreement with the City of

Irvine to design and complete improvements required to Alton Parkway south of Muirlands and north of Muirlands including the payment of the fair share costs of the Project. If agreement by the City is unreasonably withheld, the County shall complete these improvements which are within its authority to complete.

#### Long-Term Conditions

In the long-range No Project condition, seventeen highway links in the study area would operate at deficient levels without further mitigation. The Project (without the El Toro CRP) would contribute measurable traffic to two additional links which would be deficient only due to the Project including Irvine Blvd. east of Alton Parkway and Bake Parkway north of Jeronimo. The El Toro CRP would increase the deficient condition on both these links and require mitigation with or without the Project.

#### Mitigation Measure

3. Prior to the full implementation of Phase III of the Jail expansion, the Director, Public Facilities and Resources shall enter into an agreement with the City of Irvine to design and complete improvements required to Alton Parkway south of Rockfield and north of Muirlands including the payment of the fair share costs of the Project. If agreement by the City is unreasonably withheld, the County shall complete these improvements which are within its authority to complete.

Potential impacts to emergency services have been reduced to a level of insignificance by the mitigation measure below.

#### Public Services and Facilities

#### Mitigation Measure

4. Prior to the full implementation of Phase I of the Jail expansion, and prior to the construction of each phase thereafter, the County Sheriff-Coroner shall present evidence to the County Executive Officer that the Orange County Health Care Agency or other qualified provider has provided onsite medical services sufficient to reduce the need for paramedic calls to the Musick Jail facility. The Orange County Fire Authority shall concur in this determination in writing.
5. Prior to completion of each phase of construction, the County of Orange shall coordinate with the Orange County Fire Authority regarding construction requirements to ensure fire safety and regarding demand, if any, for emergency medical services to ensure adequate provisions for life safety.
6. Prior to completion of each phase of construction, the Orange County Sheriff-Coroner shall coordinate with the City of Lake Forest regarding law enforcement requirements to ensure adequate law enforcement protection for that jurisdiction.

8. **COMPARISON OF POTENTIAL IMPACTS DISCUSSED IN RECIRCULATED SECTIONS WITH PROJECT ALTERNATIVES**

To assist the reader in understanding the relationship between significant adverse environmental impacts resulting from the project and evaluated in the recirculated sections, and the previously proposed project alternatives in EIR 564, the County has included EIR 564's Project Alternatives chapter in Appendix J in its entirety. That chapter dealt with 28 alternatives.

The County also provides below the following table. For each alternative listed from EIR 564, the County indicates whether the potentially significant impacts identified herein would be reduced or significantly eliminated. If a "Y" is shown, the alternative would meet this finding. If an "N" is shown, it would not. A "-" indicates that the impact area is not relevant to that alternative because of its nature, or that it has no effect in any event.

A column has been added to ascertain if, in the pursuit of reduction of the stated impacts, other physical environmental impacts would occur. For example, an alternative might not involve a loss of agricultural land, but may involve a loss of wetlands or other valuable habitat resource.

Impact areas are shown as categories as defined below:

<u>Category</u>	<u>Description</u>
A.	Loss of 33 acres of mapped prime farmland
B.	Temporary loss of agricultural land during construction
C.	Possible future failure of intended conveyance of 40 acres of land for agricultural purposes
D.	Long-range impacts to four arterial links
E.	Significant contributions of NOx after Phase I of the Jail Expansion

As can be seen from Table 13, when one impact is resolved (i.e. agricultural lands) another impact is usually precipitated. Also, many of the alternatives are simply not capable of reducing impacts in the categorical areas. Finally, any alternative site carries with it not only more costs in infrastructure, but also depends on the sale of the Musick site for development. Such development of the Musick site not only results in an absolute loss of 55 acres of mapped prime farmland and 36.71 acres of cultivated land, it also is likely to result in the loss to development of the 40 acres of conveyance land which would otherwise be cultivated by inmates. Therefore, the County concludes that the reasons stated for rejection of these alternatives in EIR 564, including those stated here, remain valid.



**TABLE 13**  
**Comparison of Project Alternatives**

Are impacts substantially reduced or eliminated with this alternative?						Would other impacts to physical environmental resources occur?
	A	B	C	D	E	
<b>Impact Category</b>						
<b>ALTERNATIVE</b>						
1. No Project	Y	Y	N	Y	Y	Unknown
2. Legislative Change	-	-	-	-	-	-
3. Management Systems	Y	Y	N	Y	?	-
4. Delay for Long-term Jail Study	-	-	-	-	-	-
5. Private Jail	?	?	N	N	N	Possibly
6. Reduce Size of Musick	N	N	-	Y	Y	Y
7. 1994-95 Grand Jury Alternative	N	N	-	Y	Y	N
8. Complex 1 only	N	N	-	Y	Y	N
9. High Rise Buildings	Y	N	-	N	N	Y
10. Classification Limit Cap Maximum Security	-	-	-	-	-	-
11. Release of Inmates in Santa Ana	-	-	-	N	N	Y
12. Alternative Sites						
Remote Site	?	?	N	N	N	Y
Santa Ana						
• on current land	Y	Y	N	N	N	Y
• on current and acquired land	Y	Y	N	N	N	Y
El Toro Reuse	N	N	N	N	N	Y
Tustin Reuse	N	N	N	N	N	Y
5 County Courthouses	Y	Y	N	N	N	Y

(Continued on next page)

Are impacts substantially reduced or eliminated with this alternative?						Would other impacts to physical environmental resources occur?
	A	B	C	D	E	
13. Site Outside of Orange County	?	?	N	?	N	Y
14. Gypsum Canyon	N	N	N	N	N	Y
15. Bolsa Chica	N	N	N	N	N	Y
16. Aliso/Wood Canyons Regional Park	N	N	N	N	N	Y
17. City Jails	?	?	N	?	N	Possibly
18. Rehabilitation	-	-	-	-	-	-
19. Cease drug-related arrests	-	-	-	-	-	-
20. Lift Federal court order	-	-	-	-	-	-
21. Locate Courthouse at Musick	N	N	-	N	N	Y
22. New site in Santa Ana	Y	Y	N	N	N	Y
23. Move buildings to east side of Jail site	Y	N	N	N	N	Y
24. Katella-Douglas site	Y	Y	N	N	N	Y
25. Theo Lacy Expansion	Y	Y	N	N	N	Y

**NOTE:** Where a question mark is shown, the determination of whether impacts are reduced, eliminated or increased depends on where the facility is located.

**9. CONCLUSIONS**

These recirculated provisions adequately address the potential significant impacts of the project as well as respond to the order of the Court. After public review and comment, the County will take this matter to hearing before the Planning Commission and the Board of Supervisors with appropriate responses to comments, mitigation monitoring program, and findings to request the Board consider recertification of EIR 564 as revised with these recirculated sections.

## **10. ORGANIZATIONS AND PERSONS CONSULTED**

The following is a list of the principal agencies and persons consulted orally or in writing during this process.

### **County of Orange**

#### Planning and Development Services Department

Tom Mathews  
George Britton  
Ray Brantley  
Harry Persaud  
Romi Archer

#### Orange County Sheriff-Coroner

Brad Gates, Sheriff  
Jerry Krans, Asst. Sheriff

#### Orange County Agricultural Commissioner

Richard LeFeuvre

### **Local**

#### Orange County Farm Bureau

Kathy Nakase

#### UCI Agricultural Extension

### **State of California**

#### Department of Conservation

Office of Governmental and Environmental Regulation  
Office of Land Conservation

#### Department of Food and Agriculture

#### South Coast Air Quality Management District

Kathryn Higgins  
Charles Blankson

#### Santa Ana Regional Water Quality Control Board

Linda Garcia

### **Federal**

#### U.S. Natural Conservation Service

Nghi Diep

#### Cities

Irvine  
Lake Forest

**11. APPENDICES**